

[1.]

A  
True and Plain  
ACCOUNT  
OF THE  
DISCOVERIES  
Made in  
SCOTLAND,  
Of the Late  
CONSPIRACIES  
Against  
*His Majesty and the Government.*

Extracted from the Proofs lying in the Records  
of His Majesties Privy Council, and the  
High Justice Court of the Nation.

TOGETHER

With an Authentick Extract of the Criminal Process and Sentence  
against Mr. Robert Baillie of Jerviswood.

---

*Extracted by Command of His Majesties most Honourable  
Privy Council of Scotland ;  
And Published by His Majesties Command.*

---

Reprinted at London, by Thomas Newcomb, for Susanna  
Forrester in Kings-Street Westminster. 1685.

THE NEW YORK  
PUBLIC LIBRARY

ASTOR LENOX TILDEN FOUNDATION

1215 Broadway New York City

1911

1911

1911

1911

1911

1911

1911

1911

1911

1911



*A true and plain Account of the Discoveries made in Scotland, of the late Conspiracies against His Majesty, and the Government.*

**T**HE King's Majesty having, on certain great considerations, indicted a Parliament, to hold at *Edinburgh*, 28 of July 1681. Did render that Meeting the more illustrious, by nominating His Royal Brother Commissioner, to represent His Majesty in it.

The *Fanatical Party*, who let no occasion slip, to promote their Designs, and to disturb the settled Government, did at this time, use all their endeavours, to have as many of those infected with their principles, elected Commissioners for the Parliament, as the little Power and Interest they had in the Nation could procure, and even where they could not hope to succeed, they had the insolence to attempt, thereby pursuing closely what they constantly design, that is, pertinaciously to disturb, where they cannot alter, and to found a Reputation to their Party, by much noise, though to little purpose.

At the time of meeting of the Parliament, their first consult was to strick at the Head, and by invading the Right of the Monarchy, to pull it down so far, as to have the King, in the Person of His Commissioner, subjected to the same Rules and Inquisitions, with other subordinat Members. The King by His Laws, having prescribed Rules to those who Serve Him in that Great Court, and Council: They, according to the Laws of their Leagues and Covenants, propose that the Parliament should prescribe the same to the King, consonant enough to their beloved Design of Co ordination in Power. Had this succeeded, they with this one Blow, had overthrown the Parliament, by laying the Commissioner aside: But as men oft-times design bold Treasons with abundance of Resolution, yet are frighted from the Execution, by the danger, as well as ugliness of the Crime, So this insolent Resolution dar'd not shew its Face, being strangl'd by their own Fears. And seeing they could not dissolve the Parliament, they, in the next place, resolv'd to disappoint the Design of it; and indeed, if the maintaining of an unjust Interest could warrand the action, they had reason so to do: For the *Fanatical-Party* having, by their own great industry, and the supine negligence (to say no worse) of these Trusted by the King, to suppress them, not only kept up, but encreased their pernicious Brood; So that they began to appear formidable, both to the King and the Countrey: and one of their great Hopes, whereby their Party increased, being founded on the short continuance of the Supply granted by the Nation, for maintaining the Forces, they could little doubt, but that all Loyal Subjects would not only continue, but also further augment them, rather then leave the Seditious, in a capacity to disturb the Government. Therefore, as a necessary expedient to preserve *Fanaticism*, they resolved by all possible means, to hinder any continuation of the Supplie. But they soon found, that the Votes of their Party had neither number nor weight.

These well-natur'd Subjects, finding that they could not disappoint, thought it convenient to perplex; and since they could not do what they would, they resolv'd to do all they could. And albeit the late Earl of *Argile*, and some others, who were under too great obligations to the King's Majesty, and His Royal-Highness, to appear on the side of their Friends in the good old Cause; whilst the opposition was so bare-fac'd, and the hope of success so little. Yet lest their little Flock should be discouraged, they began

gan then to animat them the more close, and (as they thought) undiscern'd methods. And now the Cause being in an apparent decay, they labour'd to refresh it, with its first milk, the Pretence of Religion.

Wherefore a new Security for Religion was propos'd; And albeit our Laws had formerly provided, what was necessary for this; yet it could not be expected that those, who aimed at debate for Religion, should rest-satisfied with what settled it. So the Doctrine of the Church, the Canons of Councils, and the Laws of the Kingdom being all lookt upon as nothing: *Argyle*, *Sir John Cochran*, *Salton*, the Earl of *Tarras*, *Philiphaugh*, *Stairs*, *Gallowshells*, and others of that Crew, would needs provide a greater security than these afforded; and indeed it was congruous for those who were tainted with new Doctrines, to desire new Sanctions: For this end they press'd a Committee, for drawing an Act to secure the Protestant Religion, which was no sooner propos'd then granted; accordingly a Committee was appointed, consisting for the most part of West-country men, who upon short deliberation prepared a long Act, which at its first appearance in the Articles, was soon discern'd to be an Invasion upon the Prerogative, under the name of a Defence for Religion, and not to have many more Lines than Incroachments upon the Royal Right: whereupon it was reject'd; and in place of it a general and plain Ratification of all the former good Laws, which had pass'd for security of the Protestant Religion, was drawn, approv'd, and acquiesc'd in, by the Parliament. But Fanaticks are not of a temper to give over, for notwithstanding of this good Law, Murmurs were heard, Clamors were rais'd, and open Protestations were made for further security in Religion. Wherefore a new Committee was appointed, for preparing an Act to be drawn from the proposals for that end. The Party which clamored for the Protestant Religion (but in effect intending good Offices to the Fanatical party) did seek after what conduc'd to their by-ends, which as they were easily discovered, were as soon reject'd: *Argyle*, *Sir John Cochran*, the Earl of *Tarras*, *Stairs*, *Philiphaugh*, *Gallowshells*, and their adherents fall at last on an expedient, as they thought insuperable by the Kings Servants, and which would force them on the Dilemma of opposing Religion, or the Sovereignty.

In the first Year and Parliament of King *James* the sixth, when the differences betwixt Queen *Mary* and many of the Nobility were in their greatest height, and she forc'd to resign her Government, being a Prisoner; there were several Acts pass'd in that, and some subsequent Parliaments, which incroach'd on the Prerogatives of the Crown, the King being then an Infant; and amongst others, that wherein the *Confession of Faith* was insert, had in it several Clauses altogether extrinick to a *Confession of Faith*, for which that Act by its Title was chiefly design'd: And tho these Acts and Clauses which derogated from the Rights of the Crown, were often rescind'd, or correct'd, and the Prerogative fully vindicated in many succeeding Parliaments: yet these who intended more disturbance to the State, nor security for Religion, took occasion after their other Proposals were reject'd, to offer the renewing of the said Act of the first Parliament of King *James* the sixth, as an expedient for securing the Protestant Religion, as it is there profess'd; concluding, that if that Act were renew'd, it would derogate from the posterior Laws, which correct'd what related to the Prerogative; or if the renewing of it were refus'd, they might take occasion from that refusal, to impose on the People, that the Kings Commissioner and the Parliament design'd not the security of the Protestant Religion: But the Parliament defeated both these Projects, by taking into the Test not that Act, but the Protestant Religion contained in it; for the Parliament was far from reviving, much less for inserting in the Test any part of that Act, which did incroach on the Royal Prerogative, the Episcopal Government, and Policy, or whatever was extrinick, or contradictory to the Protestant Religion contained in it.

This

This, as all other disappointments, incited rage in those who resolved not to be satisfied; and those pretended Patrons of the Protestant Religion, will overturn it, and tear the securest Test that could be made for it, rather than permit, that Monarchy and it should stand together; and finding that this Test, as it did absolutely secure the Protestant Religion, so in just consequence thereof, it knocked *Fanaticism* on the head: Therefore to work they fall against it, with all the force of their imaginations; and none appeared more violent than those who formally with undiscereet violence had press'd it, whilst they hop'd to invenom it, with a mixture of the poison of the Covenant. But 'mongst them all, none acted with more industry, or more malice, then the late Earl of *Argile*, who being by Education and Choice sufficiently *Fanatical*, yet having dissembled it for a while, thereby to keep himself in the Government, and to draw it to a concurrence in his particular designs, and oppressions, whereby he kept a great Estate, defrauding all Creditors, and bringing many Families to beggary; he found this Parliament pry a little into these Mysteries, for they having made some motion in doing right to the Earls of *Errol*, *Marischal* and *Strathmore*, whose Estates were exposed for *Argiles* Debt, whilst he enjoy'd his own Estate, without owning a relief to them: Therefore, albeit in the beginning of the Parliament, he professed a fervour for carrying on of the King's Service, yet (his zeal to the Old Cause, being prick'd on by this Invasion of his new Right) in the course of it, none was so active, or used more indirect ways to disappoint it.

But being over-power'd by the Loyal Members, who were Ten to One of the disaffected; albeit he, and other Sticklers, were allowed to word the Test at their pleasure, and did accordingly add to it all those Clauses which since hath given pretences of scruple to many who have refused it; yet no sooner was the Session of Parliament adjourned; but the said late *Argile* industriously, first at *Edinburgh*, and afterward in traversing several Shires, did insinuate all the prejudices he could devise against the Tenor of the Test: Thereby endeavouring (and not without some success) to increase the dissatisfied Party, and fit the Nation the more for Combustion: So passing home to the Shires of *Argile*, and *Tarbet*, he fix'd the Clergy and Laity thereof in these seditious Sentiments. Thereafter he returns to *Edinburgh*, giving it out openly, that he would not take the Test; but to make his refusal the more malicious, proposes to his Royal Highness, and those of the Government, that he might be allowed to take it with his own Explanation, which Exposition he put in Writ, and dispersed it; being of that Tenor and Contryvance, as to cast all the Obligations therein loose, making his Fancy the rule of his Religion, and his own Loyalty the standard of his Allegiance, according to which he was only to try himself.

His *Majesties* Commissioner, and the Council, being well informed of his seditious Carriage, both in City, and Countrey, and fully confirmed in their Judgments, of his malicious Design in this his Paraphrase on the Test; and finding that thereby he had not only perverted the Sense of his *Majesties* Laws, contrary to their true Meaning and Intention; but that he had endeavoured to shake the People loose from their Allegiance, and make all Obligations thereto illusory: and that by these Methods, he did with boldness and impudence, found a Schism in the Church, and Faction in the State, publickly owning them in the face of Council: On which grounds he was most justly pursued by the Kings Advocat, before the Sovereign Justice Court, and thereby Learn'd Judges, and a Jury, not only of his Peers, but many of them his nearest Relations; his Acculation was found relevant and proven, and judged a sufficient ground to infer the Pains appointed by Law for Treason.

Albeit his Father had been one of the most obstinate, and most pernicious



cious Rebels against the Royal Family, and that he himself had been educated in these Principles, and had entered early into those Practices : and albeit it be notourly known, that his private Discontents and Debates against his Father, and the penury to which those had reduced him, were the Motives which made him joyn with *Middleton* in the Hills, bringing no Power with him to that Army, and acting as little in it ; but by assuming the Honour of what was acted by *Mcnaughton* : and that at last he was instrumental to break that Party by Faction ; which though this was clearly discerned by *Middleton* at the time, yet he judged fit to dissemble it, both for encouraging the *High-landers*, and giving reputation to His *Majesties* Affairs, upon which account also at *Argiles*, then Lord *Lorn's* earnest suit he did give Testificates to him of his own wording, which those of undoubted Loyalty did not require, and indeed were only useful to such whose Actions and Principles needed vindication ; yet under pretence of these, together with the great Assistance of the Duke of *Lauderdale*, having attained to so immense Donatives from His *Majesty* both in Estate and Dignity, it was not easie to believe, he should retain that hereditary Malignity, at least to such a degree as to become an open Rebel ; but the Ethiopian cannot change his Skin, for albeit the Kings *Majesty*, and his *Royal Highness* were so far from any resolution of taking his life, that he was allowed all freedom in Prison, even after he was found Guilty ; and that no further prejudice was design'd to him, than to take from him those Jurisdiccions and Superiorities, which he and his Predecessors had surreptitiously acquired ; and were used by him and them to destroy many honest and considerable Families, sometimes by stretches of Law, and at other times by Violence and Force, but always under shelter and pretence of these Jurisdiccions : And that some reparation might have been made to his just Creditors, and some Donatives to those, whom he and his Father had formerly rob'd and destroy'd, for their Fidelity and Loyalty to their King : And the *Super-plus* (if any were) was intended for his Lady and Children ; which was the hight of Clemency, there being indeed more Debt upon the Estate then the whole of its value : Yet being more conscious of his own Guilt then his Prince did apprehend, he dar'd not rely upon that Clemency, whereof he had tasted so plentifully : but abusing the favour of his open Imprisonment, for verifing of his other Crimes, he added this one, of breaking the Prison, and flying from the Laws.

No King but ours could after all this think of favouring his Family, but His *Majesty* will not only favour but restore, and before it was known that the late *Argile* had more Debt then Estate, in a Royal *Large*, He gifts more to his Children by thrice then their Father could lawfully give them, had he never been Forfault.

Could it have been thought that any Christian, or Gentleman, could have been guilty of Ungratitude to so benign and bountifull a Prince ; and yet that the late Earl of *Argile*, did after the receiving so many Favours, and the profession and boasting of so much Loyalty ; not only enter in a horrid Conspiracy for rising in Arms, but gave at least courage by his bold Undertakings to those who conspir'd the murder of His Sacred *Majesty*, and his *Royal Highness* ; and this Conspiracy does demonstrate what was his meaning in that Paraphrase upon the Test, which Fools and Knaves have justified as very Loyal and Orthodox.

But with what forwardness *Argile* and others did enter into a Conspiracy for overturning the Monarchical Government, destroying the sacred Person of the King, and of his only Brother, and for pulling Ruine upon the three Kingdoms by a Civil War, the evident Proofs of unsuspect Witnesses, and the concurrence of many authentick Papers and Documents with these Depositions, will not only sufficiently prove, but amount to the quality of a Demonstration, all the pieces being considered together ; and with what earnestness

earnestness he acted, doth evidently appear from these following Evidences.

For shortly after *Argiles* escape, information was given from the West that he had caused secure the Militia Arms of *Argile* and *Tarbet* Shires, as also a considerable quantity of the Kings Arms were given to him in Trust, besides a little Magazine which he had of his own, and some pieces of Cannon, and that he had employed some Merchants to bring Arms from abroad to be landed securely in some of his remote High-land Castles.

And upon inquiry, one *William Campbel* Master of a Ship at *Newport-Glasgow* was found to be conduc'd for this end, as his Deposition taken before some of the Officers of State doth clearly evince.

*Edinburgh*, the last day of *August*, 1682.

IN presence of the Lords Chancellor, and Advocate, *William Campbel* Skipper at *Newport-Glasgow*, being examined upon Oath, Depons, That in *March* last he was traughted by *John Campbel* Merchant in *Glasgow* for *Norway*, *France*, or elsewhere, for three Months certain, conform to a Charter-party produc'd by him; and about that same day he having desired to know what could be his prospect of his Voyage to *Norway* with so small a Ship and Loading, he refused to tell him till he were at Sea, and being at the back of the *Lews* a day or two after they set off, the said *John Campbel* then said, now Skipper I will tell you the design of our Voyage, which is to go to *Norway* and loaden Dails, and out of that to *Amsterdam* and buy Arms, and to take in the same to *Cairnbulg*; and the Deponent having asked him what he would do with these Arms there, he answered, may not my Lord come to his own again, and have use for them; and the Deponent understanding these Arms were to be made use of against the King, the Deponent answered, that when he was made Burgess of *Dunbartoun* there was an Oath taken of him to be true to the King, and the present Government, as it is established; and upon the Deponents refusal to comply with him in the said Voyage, he got the Ships Company upon his side, who beat and abused the Deponent; and having gone from that to *Norway*, he behoved to suffer all the Voyage; there being no Justice in these remote Places where he came to, from which, being upon their Voyage to *Holland*, the Ship was by Providence cast away, for which they blam'd the Deponent, as having done the same wilfully. And this is the Truth, as he shall answer to God. *Sic subscribitur*

*Will. Campbel.*

G. GORDON Cancell.

*Edinburgh*, the 14 of *January*, 1685.

IN presence of the Secret Committee, the said *William Campbel* being re-examined, adheres to his former Deposition; and further Declares, that he offered to the then Lord Chancellor, to apprehend the said *John Campbel*; but the Chancellor made no answer to him, but whispered the General in the ear; and he heard afterwards that the said *Campbel* had escaped. And this is the Truth, as he shall answer to God. *Sic subscribitur*

*Will. Campbel.*

At the same time Surmises were heard, from amongst the *Fanaticks* from all parts, of *Argiles* intention to land in the West with Arms, and to raise that Countrey, and to joyn with the Western Shires; and in Summer 1683, *Gordon* of *Earlston* being apprehended at *Newcastle*, the Papers taken with him, and his own Depositions made upon Oath in *Scotland* did give good grounds for Suspicion of some imminent Design, which apprehensions were raised by a little accident which happened at the time;

for

for upon the first noise of the discovery of the Conspiracy in *England* *Earlston* being in Prison in *Edinburgh* Tolbooth, the Keeper came in to visit him; who found him asleep; but he awaking at the time, the Keeper told him that now the Conspiracy was broke out: How (says *Earlston*) is *Argile* then Landed? of which expression the Keeper having given notice to some Councillers, *Earlston* was examined upon the meaning of the expression, who plainly confests'd, that both in *England* and *Holland* he had information of *Argiles* buying of Arms with intention to land in *Scotland*, and that at the same time he was informed that the *English* were to rise in several places of *England*.

*Alexander Gordon* of *Earlston* his Deposition, before a Committee of His Majesties Privy Council, and two of the Justices.

*Edinburg*, the 23 of September, 1683.

Scederunt.

Privy Counsellors.  
The Earl of *Linlithgow*.  
Lord *Livingston*.  
Lord President of the Session.  
Lord *Collington*.  
Lord *Castlehill*.

Justices.  
Lord *Pitmedden*.  
Lord *Harcarsfr*.

The Earl of *Linlithgow* elected Praeses.

**A** *Alexander Gordon* being further interrogate upon the Interrogators given in anent the Conspiracy in *England*, Declares, That the first time he heard of any design of rising in Arms, was at the time when the competition was anent the Sheriffs at *Midsummer* was a year, and then he heard the Duke of *Monmouth* was to head the Rebels, and this he had from *John Nisbet* and one Mr. *Murray* a Scots man then at *London*, and declares that in *January* last the declarant being in *Holland*, he heard by general report that the late Earl of *Argile* was to raise some thousands of High-landers to assist the Rebels in *England* by making a diversion, and was to get a Sum of Money for that effect, and that in *March* last he having received a Letter in *Holland* from *John Nisbet* then in *London*, he came over to *London*, where he met with the said *Nisbet* and *Murray*, who told the Declarant, they design'd to rise presently in *England*, and to Rendezvous in six or seven places at one time, particularly at *Coventry* and *London*, and that they computed several thousands in *York-shire* who were to joyn with them; that *Murray* desired the Declarant to go along with him to meet with the late Lords *Ruffel* and *Gray*, and the Lord *Wharton*, (but of *Wharton* they said they were not very sure, being a fearful man) and with Mr. *Ferguson*, and spoke of several old Officers of *Cromwells* that were to be there, but the Declarant not being for the present rising, shunned to meet with these Persons, or any of them; and both *Nisbet* and *Murray* told the Declarant, that Sir *John Cochran* was with them, and heard from these two Persons, that both the *Cessnockys* were concerned in that Business: As to the Letter written by Jo. N. of the 20 of *March*, and directed for the Declarant at *Rotterdam*, declares that *John Nisbet* wrote the said Letter, and that under the Metaphor of Trade throughout the whole Letter, is meant the design of rising in Arms and a Rebellion, and that by the word *Dispatching the old rotten Stuff*, is meant either the excluding the Sectaries from joyning with them, or destroying the Government, both Civil and Ecclesiastical, which last the Declarant supposes rather to be the meaning of the words, and that by the *Factors* are meant their Emisseries for carrying on the Rebellion; and for that strange thing that was to fall out that Week or the next, the Declarant thinks



is meant the sudden muster of the Rebels; in the close of the Letter which says, *Things are full as high as I tell you*, is meant that the Rebellion was instantly to break out; And having met with *John Nisbet* after his coming from *Holland*, the said *Nisbet* explained to him, that the Sense of the said Letter was, as is above-said.

As to the little Letter direct to the Declarant under the name of *Pringle*, of the second of *May 1688*, declares that the name of the Subscriber, which is blotted out, was so blotted before it came to his hand; but by the Contents of it, he knows it is from one *Robert Johnston*, a Tenant or Vassal to the Lord *Gray* on the Border, and that the *Traders* and *Trading* there spoke of, is the design'd Rebellion; and that the said *Robert Johnston* offered to come into *Scotland* with the Declarant to have seen some of our disaffected People here, and to have met with them; and that *A. T.* mentioned in the said Letter, which the Letter says *laboured to undervalue the disaffected Party in Scotland*, which he calls *your Goods*, is the name of *Andrew Young*, who stays about *Newcastle*, whom he supposes to be a suspected person, because he was afraid *Colonel Stenberr* would apprehend him; and that he supposes the way that that Letter came to his hand, was from some person that was at a Meeting at *Tweed-moor* about that time, where were present several of these People that had Commission from the several Districts, but he himself was not at that Meeting. *Sic subscribitur*

*Al. Gordon.*

*Linlithgow 1. P. C.*

*Follows the Letter direct to Jo. N. which was found upon Earlston.*

*London 20 March, 1683.*

*Sir,*

ON *Saturday* last I had the occasion of seeing a Letter from you, directed for *Mrs. Gaunt*, in whose absence *Mrs. Ward* had received it, at the reading of which I was not a little troubled, considering my full resolutions signified to you in my last; for effectuating of which I had spoke for Passage, and taken my farewell of *Mother Gaunt*, she going into the Country: And that very Week I was set upon by that Gentleman with whom I stay, and *Jo. Johnston* with some others to stay but a Moneth, and if that did not accomplish somewhat in hand to help *Trading*, then I should be no longer detain'd: After I was prevail'd to retract so far, I ordered *Jo.* who had time at command, to give you an ample account of matters; and withal *Jo.* was desired by our Friends from *Scotland* to stand here in my place the like engagements of secrecy, &c. being taken, and thereupon I ordered him to shew you the grounds of my staying, and to desire if you inclined to cross the Water to come this way, but since many are the confused, yea troubled thoughts that have possess'd me for yielding, concerning which, as to my yielding to it, take the subsequent account.

In my last, or it precedent to it, I shewed you that *Trading* was very low here, and many breaking, which has made the Merchants (such as they are) to think that *desperate Diseases must have desperate Cures*; and while they have some Stock, it will be better to venture out, than to keep Shop and sit still till all be gone, and then they shall not be able to act, but let all go: Which resolution I thought a thing not to confide in, seeing the most of them are *Fire-side Merchants*, and loves not to venture where storms are any thing apparent. But about my departing they shewed the model of Affairs in such order, that I see venture they must, and venture they will; whereupon first demanded how our Trade would be carried on. Answer, they knew well what Goods had proven most prejudicial to the Trade, and therefore

C

they

they thought to insist upon Negatives, in which whatever I proposed is assented to, as I find; and thus they thought best to still some Criticks in the Trade: And by this means first to endeavour ~~the dispatching the old rotten~~ *the dispatching the old rotten* ~~Stuff~~ before they order what to bring home next. This lookt somewhat strange to me, but when I consider all circumstances, I think they for themselves do best in it: For our Merchants I made account only to have had some stock for to set the broken ones up again, and so bid them here fare-wel; and they go try their way, and we ours. Since they think fit that some of these whom we have found (as you will say, when you hear them named) treacherous dealers in our Trade, consulted, and accordingly have done: Whereupon I fear, or rather hope that our Merchants, tho' broke, will rather desire to live a while longer as they are, than joyn with such, &c. to advance the Trade; unless surer grounds of their fidelity be gotten, thenis, or can be expected, and this is the bottom of all my sorrow. But to proceed, I find (if all hold that is intended) that they think it is almost at a point to set forward, if they had their *Factors* home, who are gone to try how the Countrey will like such Goods, as they are for, or against the making sale of. Friends, I mean Merchants, wrote to me, that after I had spoken to you, possibly you might come this way, the better thereby to advise them what to do in this case, for I have signified somewhat of it to them, but not so far as this, because I thought to have seen you long ere this time: But I hope you will not misconstrue of my staying, seeing in it I designed nothing but advancement of our Trade; but once this Week these Factors sent for will be here, and then matters will in *instanti*, either off or on, break, or go thorow. Wherefore in reference to Friends, I desire you will advise me what to do, if you cannot, or think it not convenient to come here; if you do, let a Letter preceed, and if any *strange thing* fall out this \* Week or the next, I will again post it towards you; I think when this and the next Week is gone (and no News come from you) that I shall set forward, being still so ready, as that in 12 hours I can bid adieu: The *Whiggs* are very low as well in City as in the Suburbs, all Meetings being every *Sunday* beset with Constables to keep them out, and what they get is stolen, either at evening or morning. This Winter many of the great Bankers and Goldsmiths in *Lombardstreet* are broken and gone; The *Bantam* Factory in the *Indies* is taken by the *Dutch*; *Confusion*, *Confusion* in Town and Countrey, such as you never saw. Mrs. *Ward* and several others desire to be remembered to you. My endeared respects to your self and B. with the young men arrived. This I have writ in short, and in haste, expecting a Line with as great haste as you see is needful, for *Matters are full as high as I tell you*. Farewel.

From your Friend and Servant, while

Jo. N.

*Postscript.* Be sure that you direct not for *Bednal-green*; but for me at Mr. *Mead's* in *Stepney*, near *London*.

By this time the Conspiracy had broke out in *England*, and by the Papers sent down from the Council-board there to the King's Officers in *Scotland*; it was plain, that *Argile* and some other *Scotsmen* had joyned in the Conspiracy, as appears by what follows.

*The Abstract of the English Depositions.*

Thomas Shephard on the 29. of June 1683. deposed, That Mr. *Ferguson* told him of an General Insurrection intended in *England* and *Scotland*, and that in order to it, Sir *John Cochran*, Mr. *Baile* of *Jerviswood*,  
Mr.

\* Nota. That this week His Majesty was expected from New-mercat, but came 8. dayes sooner, by reason of the fire.

Mr. *Monro*, Sir *Hugh Campbell*, and Sir *George Campbell* of *Cessnock* were come up to treat with the *Englishmen* about it, and that *Argile* had made a Proposition, offering for 30000. pound to begin the Rebellion in *Scotland*; and to raise a great Force; and ere it were undone, he would begin with 10000.

That Mr. *Baillie* of *Ferriwood* told him frequently, what Steps were made in this, and that the Lord *Russel*, &c. had agreed to raise 5000. pound, and that they expected the other 5000. pound to be raised in the City, which failing, the *Scotts-men* were to go beyond Sea; and that *Baillie* told him, he had advised the Earl of *Argile* to accept of this 10000. Pound, and that he would remit it into *Shepards* hand, and that Mr. *Charleton* had undertaken to raise the 10000 pound. The said *Shepard* declares, that he spoke with Commislar *Monro* sometimes of this Money, and that Sir *John Cochran* knows of it also, and that *Monro* complained to him that it was too little, and that the delay of paying it would ruin them all: On the 24. of *August*, the said *Shepard* declares, that *Baillie* did send *Carstares* to him, to speak further of these things, and that Sir *John Cochran* did also regrave the delay in payment of the Money, all this the said *Shepard* deposes upon Oath; as is contain'd in his Deposition repeated in the following Proccs, Page 23.

**M**ajor *Holms* declares, That he knew from Mr. *Carstares*, that some person proposed the raising of 30000. pound to be given to *Argile* for buying of Arms, towards his going into *Scotland*, and that 10000. pound was agreed upon, that the Duke of *Monmouth* and Lord *Russel*, did send him word by *Carstares*, that the Money was to be remitted to *Argile* for the said end, and that he the said *Holmes* had writ so much to *Argile* at *Carstares* desire, that *Argile* did send to him many Letters in Cyphers, and that Mr. *Spence* knew how to direct them, that he shew'd some of *Argiles* Letters to *Carstares*, and that *Carstares* had often spoke to him, both in the *Coffee-House* and *Exchange*, about *Argiles* going into *Scotland*, to carry on the Conspiracy: that he cannot Decypher the long Letter marked Number 3. nor can he positively say to whom it was directed, but was to have been carried by *Carstares* to *Ferguson*, and by him to the other chief men concerned in the Design: That the Letters marked Number, 2, is from the Countess of *Argile* to her Husband, and that the Letter marked Number 5, was from *Argile* to his Lady, which he knew by a Mark on the back; That *Spence* went by the name of *Butler*, and that the late Earl of *Argiles* Letters were direct to him by *Spence*, That *Carstares* told him, the persons concerned had condescended to give 10000. pounds to *Argile*, that he did so write to *Argile*, and that *Argile* had writ to him, that 30000. pounds was the least he could accept of; This was given in by *Holms* on the 3. and 7. of *December*, 1683.

**Z**echariah *Bourn* on the 10. of *December* 1683. before Secretary *Jenkins* deposeth, That Mr. *Baillie* did sit up a Night or two with Mr. *Ferguson* in the Deponents House, and that they went several times to the Managers of the Conspiracy, that *Ferguson* told him their main Business with the Conspirators was, for getting 10000. pound promis'd to promote the Insurrection in *Scotland*, and that *Baillie* was the chief man in it next to *Argile*, that *Ferguson* told him he was to go over with the Bills of Exchange, and that *Argile* was to command the *Scotts*.

**R**obert *West* declares, That *Ferguson* told him that *Argile* would raise a sturdy Commotion in *Scotland*, if he had but 6000. pounds; that *Cessnock*, Sir *John Cochran*, and other *Scotts*, were come up to *London*, under pretence



tence of treating for *Carolina*; but in truth to concert matters for a Design in *Scotland*.

**O**N the 19th of *July*, 1683. *Hepburn*, a Scots Vagrant Minister declared, that he knew by several Hands and Persons, that there was a Plot, and a rising intended both in *Scotland* and *England*.

All these Depositions were taken in *England*, except *Earlsons* and *Campbells*. After this, one *Mr. Spence*, who pass'd under the name of *Butler*, being apprehended there, was sent to *Scotland*. Major *Holms* declared, that *Spence* did pass under the name of *Butler*, that he came over from *Holland* with a Cargo of *Argiles* Books, to disperse them, that he landed at *Harwich*, that he could open *Argiles* Letters, and was the person who directed many of *Argiles* Letters to him.

These Proofs, with what occur'd in *England*, were sufficient to convince all men of the Truth of this Conspiracy; but the perverseness of *Fanatick* humours will neither admit of Confession nor Amendment: For albeit the Evidence did fully convince Juries and Judges: albeit Parties confess Associations and Resolutions to amend the Government in their own Methods: albeit some acknowledge designs to surprize the Kings Guards, others to have a Parliament called (whether the King will or will not) to judge of the Government; and severals with great remorse reveal their own resolutions to murder the Sacred Person of the King, and his Royal Brother, and they adhering to this Confession; yet *Fanatics* will neither believe it, nor allow others to do so, but with unheard of Impudence treat so weighty a matter in Ridicule, as if they who before had acted all, which now could be feared should be now esteem'd incapable to fall in the like Actions, albeit they openly avow the same Principles: and bold Pamphleters adventure to impose these clear Proofs as apert Falshoods upon the credulous World, and too many were so ill minded as to believe them. But it's hoped, that what follows will convince all good Men of the truth of what was discovered, and silence all Libellers, if Darkness must give place to Light.

**A**T the time of the Discovery of the Conspiracy in *England*, several Letters, with two Keys for opening some mystical Words contain'd in them, were found with Major *Holms* and others, which Letters were known to be *Argiles* Hand-writ, by those who were acquainted with it, and afterwards being confess'd by the said *Holms* to be so; they were considered in *England*, and some imperfect Decyphers made of some of them there: many of which Letters, with the Keys, and these Decyphers were sent down to *Scotland*; but they appeared so perplex'd, what with Cyphers, what with other secret Contrivances in Writing, as that some who then had the chief management of Affairs there, by their supine negligence made but little procedure in discovering them: Until a Secret Committee was appointed by His Majesty, who considering that those Letters might contain Matters of importance; did apply themselves with earnestness to search into them; but finding them very intricate, and that the Decyphers which were sent from *England* did open nothing to purpose: They employed one *Mr. Gray* of *Crichton*, and gave him for the first Experiment, that Letter written by the Lady of *Argile* to her Husband, thereupon to make an Essay, which indeed proved more uneasy to unfold, than any of the rest; yet with much travel, he did very ingeniously discover, First, that every Cypher was made up of two Figures, Next, That every Letter of the Alphabet was denoted by three different Cyphers, which were promiscuously used in one and the same Word; As likewise

likewise that there was Mute-figures mix'd in with many Words; the more to confound the Discoverer; so that upon application of the triple Alphabet, hereafter set down, to this and several others of the Letters; it was found to open them exactly.

Of which first Discovery Mr. *Gray* having given an account to the Lords of the Secret Committee, they found it evident, and appointed the rest of the Letters, the *English* Keys, and all other Papers relating to that Business to be given him for his help in further Discoveries; all which being considered, it was observed, that the middle Alphabet of that triple one found out in *Scotland*, was the same with that found out in *England*, which was made use of by *Argile* himself in his Letters; yet his way of using it in his Writings was so perplex'd by the interposition of a great many Mute-figures, that tho the Key was found out there, yet some of the Letters could not be opened: And in full evidence of this first Discovery, the said Letter is afterward set down, both as it was written in the Cypher, and also as it was Decyphered, to which is added the triple Alphabet, the War-rand thereof.

*The Letter from the Countess of Argile to her Husband.*

Marked Number 2.

878878868c4482, the 9 2315. 788382.  
**I** Came here on *Tuesday*, where I found 70 4686442881-88878 82-6,  
 44 8444868817 81 81818382 44817026464482 4386 and the  
 7043 983437088, 4, 8023261886 of the 874487182382 all the 80-  
 23261327 came 174426 to see 29, 75 and 25 and 26 came with 29 43  
 came by an 2326131426 with all 151815 442618282326 and 43 82-  
 268984, I never saw 75 to 8944311413 for 43 12298228561032.  
 We hear of a great Circuit Court hath been at *Stirling*, there were three  
 Shires met there or 4. and M. of M. and the Kings Troop, and E. B.  
 came with the Herotors of *Fife*, and his Troop. M. of M. went to *Glasgow*,  
 but some of his Troop is at *Stirling*, and there were some of them sent to  
 to *Edinburgh* for an Prisoner they say they call *Smith*; and *Friday* last the  
 8. of *June*, 50 of the Kings Troop came with that *Smith* the length of  
 an place they call *Inch-belly-bridge* as they go to *Glasgow*; there is they say  
 a Moss, and near it a House and a Barn; and as they came near the Barn 8  
 armed men fired at the Gentlemen of the Guard, and shot dead one Mr.  
*Murray*, he had one Shot in his Forehead, 3 in his Body, and one in his  
 Shoulder; and an other of the Gentlemen called *John Bannatine* was shot  
 thorow the Arm and Side; his Arm broken to Splinters, that he is dead  
 before this time; the Prisoner when he saw them, lighted off his Horse,  
 and run to them, and got an long Gun from his Fellows and ran into the  
 Moss, the Gentlemen pursued, but got none of them taken, but many  
 is in pursuit of them. It's a horrid way for any that bears the name  
 of Christians to associat persons to Murder on the High-ways:  
 There is an Story going here that there was a Ship put in to *Newcastle* which  
 had some Box from Rebellious people in *Holland*, and when they came to  
 Land, a Waiter came to search the Ship, and the Box was cast into the  
 Sea, at which the Waiter called the Ship-Master to catch the Box as he  
 would be answerable; so it's said, it was got and sent to the King, and  
 that *Ja. Br.* and some of L. St. *Andrews* Murderers was come to *Scotland*  
 to make trouble, but I would hope such a Crew shall never get fitting here  
 nor harbour. I must here bid you adieu, I use not to write so much News  
 as this is. I got not writ last Week, because poor 70261217181412 is  
 sick, and I will not 88858927888132201488142627 to every 2322, I  
 D have

have got nothing done in my Affairs, our Trade goes ill on ; but 162313-18172384 will 171420548144 to 111410261020 I am sorry I 121022-132322232317182216 for 29 I am this far on my way to 1822291426-1022 and to see 81321318142617 I shall give 20 account when I come back, and I fear till then I will not get writ, for my Boy is sick. I sent the Letter to 20 211028 who I saw on *Wednesday*, 43 told me he had received yours; but did not yet 261410131828 which I confess I thought a little strange, being at least 8 days with him 781822291828141343171826 to stay with 29 but 43 would not, but said 7819221429 it was not meet 15-1828 nor 874415 for 43 to 8032 at this 17232927182710181318 thought none would be so 1802 as to take that 182043121021 not, I said 75 never stood to shew his constant 19322243527427 to 29 and all that belonged to 43 20 21108820 is very 1129271814 17181426 doing that 43 18 hope hath no 242014272926 1822 and I hear, for 102043 13232887 there is a 291026102213 to 20 12102728102017-1820 to get 43 24201012 but 2021 knows not yet ; there was 221429-142627291217 29102619 as has 1114 2 2171426 it makes 10 20 in 15141026 some 272924 14211317 1426 for 2724419182216 with 182228142612232114221413 2418241420 the 27281820 of their 17-232682 832181426 10 1623 75 hath so 27281819201413 for them all that hath procured 43 a great deal of love from the 12232228261032 and somewhat 142027 from others it's the 2728261022161427:8 thing tho it could not 1114 24262329:422 they could not 161428 an 281127-232029102814281820 they 28 rock the 88448-88 and 241032 a 1626-1828 13181020 to 887081 468386434482 the 4280708619 who 1614-2827 too great 131420 of 2123221814 there was one here a 151429-1426 of 29 that lives in 2710201422. that was most 292218292728-2032272931202213:171814261132 on 241028102228 for speaking 2826-14272322 I spoke to 2021 for 43 but none befriended 43 or appear'd for him but 75 who did 112618221643 2315, the 282614272322 was only good of 29 the other tho the favorit of the 1220102619 was 15292213 10 20321426 and Ja. 23201815102228 231127232029141323 112928 1812292013 29261428 10 long Letter to 29 who I think 1710241814 1114 2328171426.

*Postscript.*

Let these News be known to your Scots Friends.

*This Letter Opened.*

Stirling the 9 of June

**I** Came here on *Tuesday*, where I found a great Meeting, E. Perth, M. Mon. E. Marr. Gen. Dr. and the Advocat, four Lords of the Session ; all the Lords came here to see W. F. and Q. and R. came with W. D. came by an order with all *Fife* Heretors and D's Troop. I never saw F. so vexed for D. countrey (here is in plain writing some Scots News till it came to this) I got not Write the last week, because poor *Archie C.* is sick ; and I will not trust my Letters to every one, I have got nothing done in my affairs, our Trade goes ill on ; but God I hope will help me to bear all. I am sorry I can do nothing for W. I am this far on my way to *Inveran* and to see my dear H. I shall give L. account when I come back : and I fear till then I will not get Write, for my boy is sick. I sent the Letter to L. Mat. who I saw on *Wednesday*, D. told me he had received yours, but did not yet Read it, which I confess I thought a little strange, being at least eight

days



dayes with him, I invited D. here to stay with W; but D. would not, but said I knew it was not meet, fit, nor safe for D. to ly at this House; I said I thought none would be so ill, as to take that ill; D. came not, I said F. never stood to shew his constant kindness to W. and all that belonged to D. L. Matl. is very busie here doing what D. I hope hath no pleasure in, and I hear for all D. does there is a warrant to L. Castlehill to get D. place; but L. M. knows not yet. There was never such work as has been here, it makes all in fear, some summoned for speaking with Intercommuned people the stile of their Horn. Eight years ago: F. hath so stickled for them all, that it hath procured him a great deal of love from the Countrey, and somewhat else from others, its the strangest thing, tho it could not be proven they could not get an absolutor, they take the Test, and pay a great deal to Tam Gordon the Clerk, who gets too great a deal of Money, there was one here a Feuar of W. that lives in Salen that was most unjustly summoned here by one Paton for speaking Treason, I spoke to L. M. for D. but none befriended D. or appeared for D. but F. who did bring D. off. The Treason was only good of W. The other tho the favorit of the Clerk was found a liar, and James Oliphant absolved, O but I could write a long Letter to W. who I think happy be others.

*Postscript.*

Let these News be known to your Scots Friends.

*Nota, That after this Letter was Deciphered, the Letter D. which was denoted by the Figure 43, could not be found out, until the Secret Commite appointed the Kings Advocat and Sir William Paterson, one of the Clerks of the Privy Council, to Examine the Countess of Argile upon the meaning thereof, who declared that it was no proper name, but wherever it was placed in the Letter, it stood for a Relative.*

The Clavis of this Letter

D. stands for the relatives he, his, their, him, &c.

W. stands for Argile, and his Lady, or me, yours, &c.

L. stands for Lorn, conform to the Countess her Deposition.

L. M. stands for Lord Maitland.

F.

Q.

R.

THE

The Key of Words, whereof two Copies were found with Major *Holms*, one of them being Mr. *Carstares* hand Writ, and confest by him to be the Key of their correspondence, in which also there is an Alphabet different from the other three, for which as yet we have found no use; the middle Column is thought only to be Mute Figures, to confound the design of the Key. So that one word is only set down for another, as *Ker* stands for *King*, *Birch* for *England*, *Brand* for *Scotland*, &c.

King	40	<i>Ker</i>	Officers	81	<i>Ramsey</i>	The Alphabet.	
D. York	71	<i>Corse</i>	A General	88	<i>Bareley</i>		
D. Mon.	39	<i>White</i>	Col. <i>Sidley</i>	95	<i>Ramsey</i>	a	12
E. Roch.	37	<i>Whit</i>	Mr. <i>Holms</i>	53	<i>Barclay</i>	b	14
E. Halifax	43	<i>Whyte</i>	Commissar <i>Monro</i>	59	<i>Reid</i>	c	16
The Court	45	<i>West</i>	Sir <i>John Cochran</i>	49	<i>Rae</i>	d	19
The Council	50	<i>Westli</i>	Mr. <i>Carstairs</i>	74	<i>Red</i>	e	23
One of the Council	57	<i>East</i>	Mr. <i>Stewart</i>	83	<i>Harlay</i>	f	28
The Torries	30	<i>Westly</i>	Mr. <i>Atbol</i>	84	<i>Harlaie</i>	g	29
The Whiggs	22	<i>Brown</i>	Mr. <i>Huntly</i>	77	<i>Ross</i>	h	33
The City	18	<i>Wilson</i>	<i>Scotland</i>	10	<i>Brand</i>	i	34
The Mayor	27	<i>Watson</i>	Council there	92	<i>Doid</i>	k	41
Sheriffs	31	<i>Brun</i>	Chancellor	11	<i>Calender</i>	l	41
Court of Aldermen	36	<i>Baxter</i>	<i>Queensberry</i>	15	<i>Davidson</i>	m	46
Common Council	35	<i>Barker</i>	D. <i>Ham.</i>	93	<i>Boyd</i>	n	54
L. <i>Ruffel</i>	29	<i>Weste</i>	E. <i>Argile</i>	67	<i>Forrest</i>	o	55
E. <i>Essex</i>	32	<i>Wilson</i>	Scots Forces	66	<i>Forret</i>	p	56
Dissenting Lords	47	<i>Browne</i>	Scots Fanatics	42	<i>Goven</i>	q	60
Bishops of England	61	<i>Wood</i>	Scots n. c. Ministers	13	<i>Lands</i>	r	62
The Clergy	65	<i>Child</i>	Scots Clergy	5	<i>Menzies</i>	s	68
Non-conformists	64	<i>Chyld</i>	The West	6	<i>Mason</i>	t	69
England	73	<i>Birch</i>	The High-lands	7	<i>Wright</i>	u	70
France	72	<i>Birch</i>	The South	9	<i>Mason</i>	v	78
The States	44	<i>Heart</i>	The North	95	<i>Nairn</i>	w	79
The Prince	38	<i>Harwood</i>	<i>Edenburgh</i>	25	<i>Ross</i>	x	82
Forces	17	<i>Hal</i>	The Castle	25	<i>Majone</i>	y	85
Horse	28	<i>Hilyard</i>	<i>Dumbaroon</i>	24	<i>Thomson</i>	z	86
Foot	90	<i>Hickman</i>	The East	20	<i>Tomson</i>	&c	89
1000 of the one or		his so many	The Scots Gent.	21	<i>Grein</i>		
other, a tick after,		partners.	The Gent. at Lond.	94	<i>Gray</i>		
and so forth a 100—		his so many	The Borders	76	<i>Menties</i>		
a stroak after, thus,		neighbours.	Ships	99	<i>Mr. Berrie</i>		
Arms	75	<i>Chylde</i>	for their number a figure added				
Money	80	<i>Hall</i>	A Garrison	98	<i>Bierre</i>		
100 or 1000 lib Sterl. for			Religion	48	<i>Bals</i>		
the number 100 or 1000,			Popery	58	<i>Sibbet</i>		
with a stroak, or tick, as		so many as	Papists	51	<i>Long</i>		
above, but the 5ves be-		sociats or	Scots Nobility	52	<i>Sibis</i>		
neath, and the 10ths be-		sharers with	one of them a friend of b.				
fore, or a little figure un-		him.					
derneath to mark the							
number.							

An Addition in the Key, written by Mr. Carstares.

Old Friend	} is {	Tome.
Mr. Kiffin		Bishop.
Mr. Cox		Crafts.
Lock		Huxter.
Cefnock		Coxens.
Fervishwood		Ball.

To surprize	} is {	to speak with.
To land		to go to.
To march		to deal.
To make prisoner		to agree.
To fight		to talk.
To disarm		to help.
To kill		to see.
To give quarters		to hear.
To overcome		to find.

Here follows the Alphabetical Key, found out by the said Mr. Gray, which opened the Countess of Argiles Letter.

a	b	c	d	e	f	g	h	i	k	l	m	n	o	p	q	r	s	t	u	w	x	y	z	æ
10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34
40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64
70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94

The next Letter Decyphered by the foresaid Mr. Gray, answering exactly to the middle Alphabet of the said Key; was a little one written in a Paper, and inclosed in a Letter to Mr. West, at Mr. Staples in South-mark Coffeehouse, in Bartholomew-Lane, London, dated the 24 of June (the Letters direct to Major Holms being declared by Spence and Mr. Carstares to pass under this kind of Direction,) which little Paper inclosed within the said Letter, here follows both in Cypher, and Decypher.

A little Letter written by Argile, all in Cypher, and confounded with Mutes.

3267484525432451264144365140434469283726545648575352394  
 456274744794857395053575822535340504852585764545956545357  
 445768584756484244516921564443575140434428545653545358485  
 848535220534544594456616758474852463251484647585744425956  
 443941564052436048584753595840415361645847445258534344405  
 044604858474118564247415958485848575253585840504948524660  
 485043534448586460474058485774405444524443524444435752535  
 8474852434456415958574753595043455956584744564451.

The said Letter Decyphered.

32 67 If 25 D. 24 M. 26 be 36 made 69 28 37 26 Prison 39 er  
 27 he 29 is 39 lost 22 to all Intents and Purposes, 68 thrice M. 6921  
 Reds made 28 Proposition 20 of every 67 thing 32 might secure 39  
 Brand without a Box, and then to deal with Birch, but it is not talk-  
 ing will do it, and what is hapened needs not hinder but should fur-  
 ther 'em.

This Letter was opened by the middle Alphabet before set down: so  
 the significant Figures read thus in plain Writing.

**I**F D. \* M. be made Prisoner, he is lost to all Intents and Purposes,  
 thrice Mr. Reds made proposition of every thing might secure Brand  
 without a Box, and then to deal with Birch: But it is not talking will do  
 it, and what is happened, needs not hinder, but should further 'em. \* Monmouth.

By M. Red, Mr. Carstares is signified, Brand is Scotland, and Birch  
 England, according to the Key of Words, which was found with Major  
 Holms: Mr. Carstares Deposition insert in *Jerviswoods* Process will further  
 inform as to the tenor and intent of this Letter.

This Letter was writ in all probability after that he heard, that the Con-  
 spiracy was discovered; for the plain Letter in which this Cypher was in-  
 closed, seem'd to be a part of his Lamentations.

*The Letter follows.*

24 June.

Sir,

I Have received yours 19 instant, with the inclosed, which is indeed sad; yet God guides the World, and all will work to the end he intends, and what he purposes will at length prevail. I had newly read the first Treatise of the big Book you sent me, pray read the last Lines of the 3<sup>d</sup> Chapter, *Pag.* 152 of that Treatise, and if you please some Leaves before, and the 20 that follows, he mistakes the calculations of the numbers of Years, but the matter looks as like our present Circumstances as any such thing can do, if the Party were alive he could say little more: What you writ will make me long to hear again: Our Scribe it seems is an unhappy man: Desire M. B. to buy me B. *Ushers* Prophecy, which I have seen in Print by it self; and if it be possible to get me a Copy of that little Book you once lent me, wherein is a Speech I copied; he may look for it.

*This Letter was also direct to Mr. West.*

By these two Letters, it appears; That albeit by the Providence God the Conspiracy was discovered, and the Designs thereof defeated, yet nothing would either divert or deter *Argile* from prosecuting so glorious a Work: For so he had promised before it was discovered, by several of his Letters; as appears particularly by one direct to Mr. *West*, dated 19 June.

*Another adressed to Holms, marked n. 4.*

19 June.

Sir,

THIS Morning I received yours, 15 instant, but can say little till I meet with Mr. *Red*; only you may be sure, it will not be a small matter will make me desert your Service, and especially no concerns of my own: and none shall be more sparing of your credite that understands the Trade. I doubt not after I have spoke with him, to convince you of what I shall then give you as my opinion, and leave the issue to God Almighty. I am very sensible of all your kindness to me, and of good honest M. L. pray return him my thanks: As for my other Friend that is the life of all, pray tell him I must once see him before I need that you offer to send me, it will be then time enough to dispose of it; and if it be made use of, I hope he shall hear of it to his satisfaction: I perceive by it, he hopes well of me: It made me smile when I read your Letter: When I know that Mr. B. is with you I can write at greater length of all your Affairs. I will now long to hear how the last Parcel of Goods I sent you pleases the Merchants, they were long of coming, but I hope are not yet out of time, and what ever the fault is may be helped in the next Parcel. *Adieu.*

Haste back. M. B. direct the inclosed by his advice.

Directed.

Mr. *West*, at Mr. *Shepneys* South-mark Coffee-House  
in *Bartholomew-Lane*.

London.

Here



Here follows another Letter, marked number 5. direct by Argile to his Lady, of the same date, which was known by Major Holms, to be for the Countess, by a particular mark upon the back of it, which he shew to his Examiners.

Sir,

**T**His is only to tell you that all your Friends here are in health (God be thanked) our news from *England* are very various and uncertain, and Mr. B. is gone to *London*, and to return in a Month, or less; I doubt not he will write to you: I have heard nothing from S<sup>c</sup>, nor S<sup>c</sup>, S<sup>r</sup>. these six Months. *Adieu*.

*The Decypher of the said Letter*

**T**His is only to tell you that all your Friends here are in health (God be thanked) our news from *England* are very various and uncertain, and Mr. B. is gone to *London*, and to return in a Month, or less; I doubt not he will write to you: I have heard nothing from L, nor L, M. these six Months.

This Letter is Decyphered by the aforesaid Alphabetical Key, and by the Countess of *Argiles* Deposition, the Letter L, stands for *Lorn*, and the Letters L, M, for Lord *Mainland*.

**M**R. Gray of *Cricbie* having considered these following Letters of *Argiles*, which after discovery, were found to comprehend the Designs more plainly, and finding such a perplex'd contexture and in-cohesion of the Words, as he had not observed, at any time before, in this way of Writing: He concluded it to be a work of very great difficulty to open them; yet his success in former Discoveries, gave him encouragement to make an attempt. But in the mean time, having informed the Lords of the Secret Committee, that it appeared from the Postscript of the long Letter (where *Argile* says, in plain Writing, that Mr. Butler (which is *Spence*) knows how to write to me, and understands my address, and to instruct you; and if not, he had lost six hours work) that the said Mr. *Spence* could do the business: And they finding, that what was already Decyphered, did give such evidence of a Conspiracy and Treasonable Designs against the King, and His Government, which being joyn'd with *Earltons* Deposition, and the Letter taken upon him from *Jo. N.* they judged themselves bound in Duty, to offer what was discovered to the consideration of his *Majesties* most Honourable Privy Council in *Scotland*, and thereupon, according to the Law and Practice of the Nation, did call before them the said *Spence*, and after all Arguments of perswasion and command were used, and these Passages in *Argiles* Letter, whereby it appeared he was instructed to open them, were represented unto him; yet (notwithstanding of his Duty and Alledgeance to his Prince, and that it was judicially declared, that what he Deposed, should not militate against him) he still refusing to open the Letters, or to depon that he could not; yea, not so much as to answer other Interrogators, which did arise from matter of Fact clearly proved against him. They afterwards proceeded to Torture, according to the custom of Nations, in the like Cases, which had its desired effect. For upon the day of *August* 1684, he not only acknowledged, that he was the Mr. Butler, or M. B. mentioned in *Argiles* Letters; but also undertook to shew the way of reading the following Letters, to the then *Treasurer* Deput, now Lord Secretary, and to the Lord Register, upon their promise

promise not to divulge the same ( which accordingly they performed ) and so he gave in a Copy of the Letters opened. But Mr. Gray ( after some pains taken ) understanding from the Lord Register that all the Words of the Letters were significant Words, whereof he had formerly been doubtful ; there being of 1024 Words in the long Letter, 800 Monosyllabs, he did fall upon the way of opening these Letters, which not only did confirm the Sense Mr. Spence, had given of them ; but made it a Demonstration : so that by the way of Opening afterwards set down, the Matter was more clearly proved, then it could have been done by the attestation of many Witnesses : By which was discovered both the blackness of the Treason, and the great care taken for keeping it secret.

For, 1. Things were express'd under new words : so that indeed upon the matter it is a New Language. 2. These Words were written in Cyphers. 3. This Cypher consisted of a Triple Alphabet. 4. Many Words were intermix'd with Mute-Cyphers. 5. In some of these Letters all the Relatives were express'd by Figures, as in the Lady Argiles Letter, the Figure 43, or the Letter D, stands for the Relatives *He, His, Him, &c.* 6. That tho Mr. Spence was instructed to shew the way of reading the following Letters, yet he knew nothing of the purpose contain'd in them, all the material Words being in Cypher. 7. The words in the long Letter were so ordered, that 254 Words in course were interposed betwixt the 1 and 2 Word in Sense, and as many betwixt the 3 and 4, and so forth to the last Word of the Letter : then beginning with the 2 Word there was 252 Words betwixt that and the next in Sense, and so forth till they came to the *penult* Word : again beginning with the 3 Word of the Letter, betwixt which and the next in Sense : there intervene'd only 250 Words, and so forward to the end. 8. In the short Letter 62 Words were interposed betwixt the first and second, and so to proceed as in the other. By which unequal distribution and gradual decrease of the interjected Words, the method of reading became the more mysterious and intricate ; But the way fallen upon by Mr. Gray giving so clear and convincing evidence of the Method, it leaves no ground of doubt concerning the Matter : For in the long Letter there being 8 Columns, and each Column containing 123 Words, *Argiles* way of using them is, he begins at the head of the first Column, and proceeds to the foot of it, then beginning at the bottom of the second Column, he rises to the head thereof, thereafter begins at the top of the 3 Column, and goes on after that manner till he come to the upmost Word of the 8 Column, which tho it be last Word in order, yet it is but the 8 Word in Sense : Whereby all the Words were plac'd in their right Sense and plain view, as the Letter both in its Mask and Decypher doth clearly evince ; yet one Word being added or abstracted in the said order of the Words, the Letter should return to its first *Chaos* of Nonsense. The Letters follow, together with their Decyphers, and ways of opening.

---

*This is a Letter wherein Argile gives an account to his Confederates in England, of the proceedings of the Kings Ministers in Scotland, thereby endeavouring to disparage them, all written with his own hand.*

**W**Est much way daily at I if with 69415358475944503322 then or 4253514857485352 or a if to 5644693941415057 at in 57-44525844524244 of he cause other to keep and also did 58445240525-357 persons any thing they of any if gave any Mr. M. did thereof knew these and relation 39505360435352 and go he 585644405862 any with any in



In or 3613525341364233 515952445 he send *Air* to be 4057405651-4443 *Sheils* is as done extremities to them knew 3951485248575844.6-57 if 4056 51445-66 others any other and knew to if or to if persons of and imploy 384250445649 person him anything others say they please will to to of money out of him if their now he the 3157 457 52345 he 233246504057465360 who who of person did or they or any to a here where any arrived the and you are 584524457 58 you that others converted since write to the was imployed and knew or present kept with going 446930 to the of for the persuade go be for fear found to or above that the 34485642594858 go 6942 447525349 away drawn correspondence 4653944565145258 any of 4740514850583 2 Mr. the 4948524637 my or and with at had for of 4825344565346405857-5657 are as present is desirous things given 44 the privat or the if send 50 party person M. to any other and with and or or to 4253595658-5453565844 5957 effect named disswade the to or money swear 51-444144 5085352 any persons and roll to 332246504057465360 any the if any black 6053435738 place meeting the C. and for M. any they Rebels before meeting Stile L. in go what as,

lib. ff.  
There rests just 32---8.

*The Decypher of the foresaid Letter, as it was done in England, with some amendments here, which answered exactly with the middle Alphabet, found out in Scotland.*

**W**est much may daily at I if with 69 *Bathmel* 33 22 then or *Commission* or a if to Re- 69 39 *bels* at in *Sentence* of he cause other to keep and also did *Tennents persons* any thing they of any if gave any Mr. M. did thereof knew these and relation 39 *London* and go he *travay* any with any in or 36 *intercommuned* he send *Air* to be *alarmed Sheils* is as done extremities to them knew 39 *Ministers* if Arms 60 others any other and knew to if or to if persons of and imploy 38 *Clerk* person him anything others say they please will to to of Money out of him if their now he the 31 *Cessnock* he 23 32 *Glasgow* who who of person did or they or any to a here where any arrived the and you are *Tennest* you that others converted since write to the was imployed and knew or present kept with going E. 69 L. to the of for the persuade go be for fear found to or above that the 38 *Circuit* go 69 *Cessnock* away drawn correspondence *Government* any of *Hamilton* Mr. the *Kings* my or and with at had for of *Interrogators* are as President is desirous things given E. the privat or the if send L. Party person M. to any other and with and or or to Court *Porteous* effect named disswade the to or Money swear *Rebellion* any persons and Roll to 33 22 *Glasgow* any the if any *Blackwoods* 38 place meeting the C. and for M. any they *Rebels* before meetings Stile L. in go what as.

lib. ff.  
There rests just 32---8

*The Copy of the said Letter, as it was given in upon Oath by  
Mr. Spence.*

**VV***est-shields* is arrived, the President is as much alarmed as any, and as desirous what may be done where you are; things go daily to extremities; here are Interrogators given in at *Air* to a Tennent of E. L. I send them to you for the Stile: If he knew any that had private Meetings with Intercommun'd Ministers, or others, at, or before *Bothwell*, or if they conversed with the Rebels then in Arms, or since; and if they, or any others did write, or send any Commission with any person, to my L. M. or any other of the King's Party for a Treaty, and who was the person, and if he knew who employed Mr. M. C. to go to *Glasgow* and *Hamilton* to the Rebels, and if he knew of any meeting at *London*, or *Cesnock*, or any other place in relation to the present Government, and *Blackwoods* Sentence, and if he kept correspondence with any of these persons now with-drawn, and if he knew of their going away, or the cause thereof, and if E. L. *Cesnock*, or any other did employ him to go to *Glasgow* to Mr. M. Clerk of the Circuit Court, to keep any person out of the *Porteous* Roll, and gave him Money for that effect; and also, if any of the above-named persons did any thing to perswade, or dissuade any Tennents of others to go to the Rebellion, Persons they say will be found to swear any thing they please, for Fear, or Money.

*Follows the method or way of opening the foresaid Letter discovered by  
Mr. Gray, for further confirmation.*

# The forsaide Letter set down according to the Method of opening before narrated.

w<sup>ch</sup>- much may dayly at I if with *Bohwell* then or Commiffion a if Rebels at in Sentence of he caufe other to keep and allo did Tennents perfons any  
*Sheilds* alarmed be to *Air* fend he Intercomm<sup>d</sup> or in any with any Treaty he go and *London* relation and thefe knew thereof did Mr. M. any gave if any thing  
 is as done extremities to them knew Minifters if Arms others any other and knew to if or to if *London* relation and thefe knew thereof did Mr. M. any gave if any thing  
 arrived any where here a to any or they did perfon of *who* *Gladgom* he *Ceffnock* the he now their if him out Money of to to will please  
 the and you are Tennent you that others converted fince write to the was employed and knew or prefent kept with- going E. L. to the of for the perfwade go be for  
 Prefident as are Interrogators of for had at with and or my Kings the Mr. *Hamilton* of any Government and correffpondence with drawn away *Ceffnock* go Circuit the that above or to found Fear  
 is defirous things given E. the privat or the if fend L. Party perfon M. to any other and with or or to Court Porteous effect named diwade the to or  
 as what go in L. *Stile* meetings before Rebels they any M. for and C. the meeting place *Blackwoods* any if the any *Gladgom* to Roll and perfons any Rebellion iwear Money.

1871

*The long Letter written with Argiles own hand, which was address'd  
to Major Holms, and marked Number 3.*

21 June.

**T**Ho I cannot by this Post send you a full account of your affairs, yet I send you as much as may make you take measures what Bills to draw upon me, which I hope you will fully understand by Mr *Br.* help; the whole account amounted to several Pages; but I only give you one to total, as sufficient.

I gone so I and refuse object first you time much is way the our would of altogether concerned do upon absolutely do to do effectually as that it be to is at all be 335759424244575769 money 36 47575657 of and to 69224736535657 and they have is at be that no some their 2345535958, &c. 50000 4548464758 part as against the but concurrence from be lets nor like place and interest is small and power against need do bring which *Birch* that cannot time are out upon an 324753235657 to 5644425659-4858444367 projected meat very may little done the been Purse I to shall my lists I to great venture they prospect provided have can willing God given conference week *Brown* I of things said some the now their my head guard mention 324344675748465257 things which to your hope some ago as over some if do spoke for of know and encouragement confer have and self be order resolve and to reckoning all and undertake honest or was far be Shooes undertaking many of to for purchase was as is the a possibly us of by force it tho so how the credite for time *Birch* and some greatest them concerned will for and to and 404843 station good may only the if more will if should expect tollerably standing and by and necessar the the more the hazarded to it 8 and think urge so necessar I the that so affairs have business very I possible of I send here against my till what little upon know not which money 25405748575840524244 I service any what shall resolve thee at did least effectually thought and far if business reckon- ed for still the there I or stuck you upon money by first sum if then Bills 26 435640463559525769455356424457 well that 3841444058 5159-50584858594357 need trouble something very a frighten the probably not 2000 the tho the once for and 575942 4244575735 will 4057 57-48575840524244 and to money could foolish *Browne* many the not to Gods *Brand* besides stay *Jab* feat yet to proposed 322240563157 a deal the things as all once less any drink well on know I as pay whether never the received to any calculate about to that that the such with you I other I I for considerable be particular add I are of lest I but all have it Enemies to cannot to Friends made part I write with may be service Mr. an whole there consider persons it when knowing any and payments to I it low shall little little meaning Intelligence thing out had which Tents usual whole with 673151485048584840 and by the more of if but the that blessing raise a 54565358445758405258 4753565744 can Virgins supply to call 4856-50405243 not keep imaginable tho them 4853485244 standing many number 25 4753565733 only at standing a 5159505848585943 first considerable with more can them Countrey 425351514052434443 in and there 40565157 it was Weeks half I so to at 600 think needs precise I the the it a within what requisite not Sum truly this grounds to say Mr. thing norknow they as hath the grounds occasioned I they both do is Red only let I distance in I half in I the little would 4057485758405242 first shall number very 1000 and the consider small confels them work proposed please cannot are 2000 *Brand* it 544453545044 the be 40565157 then be 40544440564852464640584744564443 little 455356424457 5758.



5758445650485244 have the but it will 455356574457 and as we yet together only it for buy it consider imploy better Interest small so to some 47535657 a future the to total the absolute of and designed and Wagons are but of proposed or and because what add as out meddle touch of I knowing Merchant there it that what is 404540485644405844515458 Red I not but I of expect of up I enforce at be that should a is in considerable put I done this all have by the not to had before able will I if and a they have will is for 5753504348535956 shall necessars the or of if is is they very incident for the dayly not Cloaths necessar to there the necessar best of the 60405639 events little to hope 564454564457 many Sum were for so in we them more will in and it had any many yet be may all 5148504858-4840 and will it without and not but more got triple on is very 4553-5959 now be God and but is what a if odds it as near named not brash of not less power proposed an of thought my and go you in or resolved so I intend hear them our 45564844524357 to neither to will much till any the know on in proposition could what other I of could be the and be but that ease were I all differ was absolutely soon more to sent above at well right foot their together Provisions the suddenly that 404258485352 will take will of the be unwilling the will can at is get Brand not 40565157 no should the much their not and men the are be while do to advantage the husbanding for number is be for 5747534457 only to whole Provisions Charges good can to I I my meddle Money as freely for the and be estates do project all after see be I it such you all 47535657 the yet I distance to dare them direction Gods hands in on not prevent and have some help may from a a be pray very I I Necessars and that to a occasion prices the submit they but not own had made be do men some of Sum be necessar 47535657 such bestowed nothing they one it Money of Brand not to sent engaged whole with a concerned own Money next prove Money far then but some impossible first be be most to of 4744564858535657 2000 to up do tho there done case and yet number without hard appointed lest 1200 like give will after necessar proposed as should leave hard had number I peremptor I 673347535657 stood possibly those thought juncture I do mention this as as mean other I as neither give know offer have Adieu.

	Gil.	St.
The total Sum is	128	8.
which will be payed to you by Mr. B.		

*Follows in plain Writing on the back of the Letter.*

I have found two of the Books I wrote to Mr. B. were lost, I believe he hath the blew one, we have received his Letter, I have nothing more to say to him at present, I hope he knows how to write to me, and understands my Address, and to instruct you; if he do not, I have lost six Hours work.

*Adieu.*

*The Decypher of the said Letter as it was done in England, with some amendments since, which answers exactly with the middle Alphabet found out in Scotland.*

*Sir,*

*June 21.*

**T**HO I cannot by this Post send you a full account of your Affairs, yet I send you as much as may make you take measures what Bills to draw upon me, which I hope you will fully understand by Mr. B's help; the whole account amounted to several Pages; but I only give you one to total as sufficient.



I gone so I and refuse object first you time much is way the our would of altogether concerned do upon absolutely do to do effectually as that it be to is at all be 33 success 69 Money 36 Horse of and to 69 2 H 36 orle and they have is at be that no some there 23 Foot 50000 fight part as against the but concurrence from be less nor like place and interest is small and power against need do bring which *Birch* that cannot time are out upon an 32 Ho 23 rise to recruited projected Meat very may little done the been purle I to shal my lists I to great venture they prospect provided have can willing God given conference week *Brown* I of things said some the now there my Head guard mention 32 de 67 signs things which to your hope some ago as over some if do spoke for of know and encouragement can ei have and felt be order resolve and to reckoning all and undertake honest or was far be Shoes undertaking many of to for purchase was as is the a possibly us of by force it tho so how the credit for time *Birch* and some greatest them concerned will for and to and aid station good may only the if more will if should expect tollerably standing and by and necessary the the more the haz- arded to it 8 and think urge to necessary I the that to affairs have business very I possible of I send hear against my till what little upon know not which Money 25 *Assistance* I service any what shall resolve the at did least effectually thought and far if business reckoned for still the there I or stuck you upon Money by first Sum if then Bills 20 *Dragons* 63 *Forces* well that 38 *best Multitudes* need trouble something very a frighten the probably not 2000 the tho the once for and *success* 35 will *assistance* and to Money could foolish *Brown* many the not to Gods *Brand* besides stay job feat yet to proposed 32 22 *Arms* a deal the things as all once less any drink well on know I as pay whether never the received to any calculate about to that that the such with you I other I I for considerable be particular add I also left I but all have it Enemies to cannot to an account to Friends made part I write with may be service Mr. an whole there consider persons it when knowing any and payment to I it low shall little little meaning intelligence thing out had which Tents usual whole with 67 31 *Militia* and by the more of it but the that blessing raise a *Protestant* Horse can Virgins supply to call *Ireland* not keep imaginable tho them join standing many number horse only at standing a multitude first considerable with more can them Countrey *commanded* in and there *Arms* it was Weeks half I to to at 600 think needs precise I the the it a within what requisite not sum truly this grounds to say Mr. thing nor know they as hath the grounds occasioned I they both do is *Red* only let I distance in I half in I the little would *assistance* first shall number very 1000 and the consider small coa els then work proposed please cannot are 2000 *Brand* it people the be *Arms* them be *appearing* gathered little *Forces* *Stirling* have the but it will *Forces* and as we yet together only it for buy it consider employ better interest small so to some *Horse* a future the to total the absolute of and design'd and Wagons are but or proposed or and because what add as out meddle touch of I knowing Merchant there it that what is *af- fair attempt* *Red* I not but I of expect of up I enforce at be that should a is in considerable put I done this all have by the not to had before able will I if and a they have will is for *Souldier* shall necessary the or of if is they very incident for the daily not Cloaths necessary to their the necessary best of the *War* 39 events little to hope *repress* many sum were for so in we them more will in and it had any many yet be may all *Militia* and will it without and not but more got triple on is very *Foot* now be God and but is what a if odds it as near named not Brush of not less power proposed an of thought my and go you in or resolved so I intend hear them our *friends* to neither to will much till any the know on in proposition could what other I of could be the and be but that ease were I all differ was absolutely soon more to sent above at well right *Foot* their together provisions the suddenly that *action* will take will of the be unwilling the will can at is get *Brand* not *Arms* no

should the much there not and Men the are be while do to advantage the Husbanding for number is be for *Shoes* only to whole provisions charges good can to I I my meddle money as freely for the an be Estates do project all after see be I it such you all *Horse* the yet I distance to dar them direction Gods hands in on not prevent and have some help may from a a be pray very I I necessars and that to a occasion prices the submit they but not own had made be do Men some of sum be necessar *Horse* such bestowed nothing they one it money of *Brand* not to sent engaged whole with a concerned own money next prove money far then but some impossible first be be most to of *Heritors* 20000 to up do tho there done case and yet number without hard appointed least 1200 like give will after necessar proposed as should leave hard had number I peremptor J 67 33 *Horse* stood possibly those thought Juncture I do mention this as as mean other I as neither give know offer have. *Adieu.*

Gil. St.  
The total Sum is 128-----\$.  
which will be paid to you  
by Mr. B.

*Written in plain sense on the back of the Letter.*

I have found two of the Books I wrote to Mr. B. were lost, I believe he hath the Blue on: we have received his Letter. I have nothing more to say to him at present: I hope he knows how to write to me, and understands my address, and to instruct you, if he do not, I have lost six hours work. *Adieu.*

*The Copy of the said Letter, as it was given in by Mr. Spence, according to the plain Sense thereof, without the Preface or Postscript, being set down already with the Cypher and Decypher.*

I Know not the grounds our Friends have gone upon, which hath occasioned them to offer so little Money as I hear, neither know I what Assistance they intend to give; and till I know both, I will neither refuse my service, nor do so much as object against any thing is resolved, till I first hear what Mr. \* *Red*, or any other you send shall say; only in the mean time I resolve to let you know as much of the Grounds I go on, as is possible at this distance, and in this way. I did truly in my Proposition mention the very least Sum, I thought could do our Business effectually, not half of what I would have thought requisite in an other juncture of Affairs; and what I proposed I thought altogether so far within the power of those concerned, that if a little less could possibly do the Business, it would not be stood upon: I reckoned the assistance of the *Horse* absolutely necessar for the first Brush, and I do so still: I shall not be peremptor to urge the precise number named, but I do think there needs very near that number effectually; and I think 1000 as casie had as 8 or 600 and it were hard that it stuck at the odds. I leave it to you to consider if all should be hazarded, upon so small a differ. As to the Money, I confess what was proposed, is more by half then is absolutely necessar at the first Weeks work, but soon after all the Sum was proposed, and more will be necessar, if it please God to give success; and then Arms cannot be sent like Money by Bills: There are now above 1200 *Horse* and *Dragoons*, and 2000 *Foot* at least of standing Forces in † *Brand*, very well appointed and tollerably well commanded, it is right hard to expect that Countrey People on *Foot*, without *Horse*; should beat them the triple their number; and if gaultitudes can be got together, yet they

\* Carstares.

† Scotland.

*Here follows the foresaid Letter, plac'd in Eight Columns, and 128 Words in every Column, wanting both Preface and Postscript which was written in plain Sense.*

I	know	not	the	grounds	our	Friends	have
gone	upon	which	hath	occasioned	them	to	offer
to	little	Money	as	I	best	neither	know
I	what	Assistance	they	they	intend	to	give
and	till	I	know	both	I	will	neither
refuse	my	Service	nor	do	so	much	as
object	against	any	thing	is	resolved	till	I
first	hear	what	Mr.	Red	or	any	other
you	send	shall	say	only	in	the	mean
time	I	resolve	to	let	you	know	as
much	of	the	Grounds	I	go	on	as
is	possible	at	this	distance	and	in	this
way	I	did	truly	in	my	Proposition	mention
the	very	least	Sum	I	thought	could	do
our	Business	effectually	not	half	of	what	I
would	have	thought	requisite	in	an	other	junction
of	Affairs	and	what	I	proposed	I	thought
altogether	so	far	within	the	power	of	those
concerned	that	if	a	little	less	could	possibly
do	the	Business	it	would	not	be	stood
upon	I	reckoned	the	assistance	of	the	Horle
absolutely	so	for	I	first	Brush	and	I
do	urge	still	precise	shall	not	be	peremptor
to	think	the	needs	number	named	but	I
do	and	there	think	very	near	that	number
effectually	8	I	600.	1000.	as	easy	had
as	it	or	at	and	it	were	hard
that	to	stack	to	the	odds	I	leave
it	hazarded	you	so	consider	if	all	should
be	the	upon	I	small	a	differ	as
to	more	Money	half	confess	what	was	proposed
is	the	by	Weeks	then	is	absolutely	necessar
at	the	first	was	work	but	soon	after
all	the	Sum	it	proposed	and	more	will
be	necessar	if	Arms	please	God	to	give
success	and	then	there	cannot	be	sent	like
Money	by	Bills	and	are	now	above	1200.
Horle	and	Dragoons	in	2000.	Foot	at	least
of	standing	Forces	commanded	Brand	very	well	appointed
and	tolerably	well	Countrey	it	is	right	hard
to	should	that	them	People	on	Foot	without
Horle	if	beat	can	the	triple	their	number
and	will	multitudes	more	be	got	together	yet
they	more	need	with	Arms	more	Provisions	and
have	if	trouble	considerable	them	but	the	Cafe
is	the	something	first	be	not	suddenly	done
at	only	very	multitude	appearing	and	that	there
be	may	a	standing	gathered	without	action	tho
that	good	frighten	at	little	it	will	do
no	station	the	only	Forces	will	take	up
some	aid	probably	Horse	Stirling	and	will	to
their	and	not	number	have the	Militia	of	20000.
Foot	to	the	many	but	all	the	Heretors
&c.	and	tho	standing	it	may	be	of
50000.	for	the	joyn	Forces	be	unwilling	to
fight	will	once	them	and	yet	the	most
part	concern'd	for	tho	as	many	will	be
as	them	and	imaginable	we	any	can	be
against	greatest	success	keep	yet	had	at	first
the	some	will	not	together	it	is	impossible
but	and	france	call	only	and	get	some
concurrence	Birch	and	Ireland	it	in	Brand	but
from	time	to	to	for	will	not	then
be	for	money	supply	buy	more	Arms	far
lets	Credit	could			them	no	Money
nor							

concurrency	and	finance	not	only	in	Brand	but
from	Birch	and	Ireland	it	will	not	then
be	time	to	call	for	more	Arms	far
let's	for	money	to	buy	them	no	Money
nor	Credit	could	supply	it	we	should	prove
like	the	foolish	Virgins	consider	in	the	next
place	how	Brown	can	employ	so	much	Money
and	so	many	Horse	better	for	their	own
Interest	tho	the	Protestant	Interest	were	not	concerned
is	it	not	a	small	Sum	and	a
small	Force	to	raise	so	many	Men	with
and	by	Gods	blessing	to	repres	the	whole
Power	of	Brand	that	some	hope	are	engaged
against	us	besides	the	Horse	to	be	sent
need	possibly	stay	but	a	little	while	to
do	a	job	if	future	events	do	not
bring	the	feat	of	the	War	to	Brand
which	is	yet	more	to	the	advantage	of
Birch	as	to	the	total	of	the	Money
that	was	proposed	by	the	best	husbanding	it
cannot	purchase	Arms	and	absolute	necessar	for	one
time	for	a	Militia	of	the	number	they
are	to	deal	with	and	there	is	nothing
out	of	the	whole	design'd	to	be	bestowed
upon	many	things	usual	and	necessars	for	such
an	Undertaking	as	Tents	Waggons	Cloathes	Shoes	Horse
Horse-	Shoes	all	which	are	not	only	necessar
to	be	once	had	but	daily	to	be
recruited	far	less	the	proposed	the	whole	Sum
projected	was	any	thing	or	for	Provisions	of
Meat	or	Drink	Intelligence	and	incident	Charges	some
very	honest	well-	meaning	becaus	very	good	Men
may	undertake	on	little	what	they	can	do
little	and	know	little	add	is	to	be
done	All	I	shall	as	if	I	made
the	Reckoning	as	low	out	of	my	own
been	to	pay	it	meddle	or	meddle	not
Purse	and	whether	I	touch	the	Money	but
I	resolve	never	to	of	Necessars	as	they
to	order	the	Payments	I	shall	freely	submit
shall	be	received	and	knowing	Souldier	for	the
my	self	to	any	Merchant	is	an	Prices
Lists	and	any	knowing	there	will	be	occasion
I	have	calculate	when	it	have	Estates	a
to	confer	about	it	that	they	do	to
great	encouragement	to	persons	what	a	project	that
venture	and	that	consider	is	and	all	and
they	know	the	there	Affair	if	after	Necessars
prospect	of	such	whole	Attempt	I	see	I
provided	for	with	an	Red	will	be	very
have	spoke	you	Mr.	I	able	I	pray
can	do	I	service	not	before	it	be
willing	if	other	be	but	had	such	a
God	some	I	may	I	to	you	from
given	over	I	wish	of	not	all	may
conference	as	for	write	expect	the	Horse	help
Week	ago	considerable	I	of	by	the	some
Brown	some	be	part	up	have	yet	have
I	hope	particular	made	I	all	I	and
of	your	add	Friends	enforce	this	distance	prevent
things	to	I	cannot	at	done	to	not
said	which	are	to	be	I	dare	on
some	things	of	Enemies	that	put	them	in
the	designs	left	it	should	considerable	direction	hands
now	mention	I	have	a	in	Gods	
their	guard	but	att	is			
my	head						



they will need more Arms, more Provision, and have more trouble with them; but the Case is, if something considerable be not suddenly done, at at the very first appearing, and that there be only a multitude gathered without action, tho that may frighten a little, it will do no good, the standing Forces will take up some station, probably at *Stirling*, and will to their aid, not only have the Militia of 20000. Foot, and 2000. Horse, but all the Heretors, &c. to the number, it may be of 50000. and tho many will be unwilling to fight for the standing Forces, yet the most part will once joyn, and many will be as concerned for them, as any can be against them; and tho we had at first the greatest success imaginable, yet it is impossible but some will keep together, and get some concurrence and assistance, not only in \* *Brand*, \* Scotland. but from † *Bircb*, and *Ireland*; it will not then be time to call for more Arms, † England. far less for Money to buy them, no money nor Credit could supply it, we should prove like the foolish Virgins: Consider in the next place how \* *Browne* can imploy so much Money, and so many Horse, better for their \* Dissenting own interest, tho the Protestant Interest were not concerned; is it not a small Lords. Sum, and a small Force, to raise so many men with, and by Gods blessing to repress the whole Power of *Brand*, that some hope are engaged against us, besides the Horse to be sent, need possibly stay but a little while to do a Job, if future events do not bring the seat of the War to *Brand*, which is yet more to the advantage of *Bircb*, as to the total of the Money that was propos'd by the best Husbanding it, cannot purchase Arms, and absolute necessaries for one time, for a Militia of the number they are to deal with, and there is nothing out of the whole design'd to be bestowed upon many things usual, and necessary for such an Undertaking, as Tents, Waggon, Cloathes, Shoes; Horse, Horse-shoes; all which are not only necessary to be once had, but daily to be recruited, far less out of the whole sum projected, was any thing proposed for Provisions of Meat or Drink, Intelligence, or incident Charges; some very honest, well-meaning, and very good Men, may undertake on little, because they can do little, and know little what is to be done. All I shall add is, I made the Reckoning as low as if I had been to pay it out of my own Purse; and whether I meddle or meddle not, I resolve never to touch the Money, but to order the payment of Necessaries, as they shall be received; and I shall freely submit myself to any knowing Soldier for the Lists, and any knowing Merchant; for the Prices I have calculate, when there is an occasion to confer about it, it will be a great encouragement to persons that have Estates to venture, and that consider what they do, that they know that there is a project, and prospect of the whole Affair, and all Necessaries provided for such an attempt, if after I have spoke with Mr. † *Red*, I see I can do you Service, I will be very willing; if I be not able, I † Carlisle. pray God some other may; but before it be given over, I wish I had such a conference as I write of to you a Week ago, for I expect not all from \* *Browne*, \* Dissenting some considerable part of the Horse may I hope be made up by the help of Lords. your particular friends. I have yet some things to add, to enforce all I have said, which I cannot at this distance, and some things are to be done to prevent the designs of Enemies, that I dare not now mention, lest it should put them on their guard. I have a considerable direction in my head, but all is in God hands.

*Nota*, That the foregoing Marginal Notes are so explain'd by the Key of Words, pag. 19.

*Here*



Here follows Mr. Spence his Deposition in so far as it relates to the two foregoing Letters, whereof he had given in the Copies above set down in plain Sense: The Queries put to him, and many of his Answers being little to this purpose, they are not all here subjoyned, but only these that immediately relate to the Letters.

Part of Spence his Deposition.

At the Castle of Edinburgh, the 19 of August, 1684.

**M**R. William Spence, of the Age 33 Years, or thereby, not married, solemnly sworn, Depons, That in the Paper subscribed by him, the Letter dated 21 June, and the other without date, marked A, are written plain, and in the true Sense, so far as his knowledge reaches, and that he had no Key to open the Letters with, but the Alphabetical Cypher: That by the 128 Gilders, 8 Stivers, mentioned in the end of the long Letter, he understands that it is the Key thereof; and by the payment of the same, he understands the way of using it. That he does truly believe there was an Insurrection intended, within these two Years; and as for what is to come, he cannot tell what the People abroad may be doing: That he had often heard of Designs and Allocations; but that they were directly intended to hinder the Duke his Succession to the Crown, he cannot say: For all that he understood was pretended for the ground of any designs of Arms, was the defence of the Protestant Religion, the Liberties of the Kingdom; and if against the Duke, his Succession only, in so far as that might be prejudicial to these: and that he thinks upon the Kings death Troubles may probably arise: That Mr. West to whom the Letters were directed, was not one of that name, but Major Holms to the best of his knowledge: And this is the Truth as he shall answer to God. *Sic subscribitur*

W. Spence.

These foregoing Letters are exactly set down, both such as were in Cypher, and these in plain Letter, all written with Argiles own hand (except that from his Lady) conform to the Principals, compared therewith, before the Lords of the Secret Committee: Together with the Decyphers, and other ways of opening, perfectly agreeing both in the Sense and design, with the triple Alphabet, the Key of Words, and the method before narrated.

There was also (besides these) several other Letters, both in Cypher and plain Writ found with Major Holms; all of them, as in a Chain, knitting together the undenyable Evidences of this Hellish Machination; but these above set down, being the most material, and sufficient to convince all, except those of invincible obstinacy, it was not thought fit to burden the Reader, or incumber this short Narrative with more of them. All the principal Letters and Cyphers, with the Keys of Words, and a great many Depositions taken both here and in England, are lying in the Records of His Majesties Privy Council in Scotland.

It's further to be considered, That all these Letters being taken at one time with Major *Holms*, who was *Argiles* Trustee for conveying them, it is not to be supposed, but that much more of this Stuff has been interchanged betwixt him and those of that Confederacy: as appears from the Alphabet written with the Key of Words, for which Alphabet as yet there is no use found: And also from the Key it self, wherein tho there be upwards of 80 new coyn'd Words, yet in all this Parcel of Letters there is not six of them made use of; which likewise appears evidently from the tenor of all his Letters, and particularly from the beginning of the long Letter, pag. 31. where he says, *I did truly in my Proposition mention the very least Sum, &c.* and a little after he says, *and what I proposed I thought altogether so far within the power of those concerned, &c.* and towards the end of that same Letter, he says, *But before it be given over, I wish I had such a Conference as I wrote of to you a week ago, &c.* by which, and many other Passages and Circumstances, what is above-said, becomes undenyable.

---

*The method or way of opening the long Letter, discovered by Mr. Gray, for further Confirmation.*

**B**UT for further Discovery of this Treason, The Secret Committee finding that Mr. *William Carstares*, one of the Prisoners sent down from *England*, was not only frequently mention'd in several of *Argiles* Letters, but related to in them as one of the principal Agents in these Affairs; They endeavour to bring him to a Confession, but all endeavours were fruitless, untill he was put to the Question, according to Law and Custom of this, and other Nations in such Cases, where Persons under great and pregnant presumptions of the knowledge of Crimes, refuse to confess, they are by Law to be put to Torture, especially where they refuse to depone upon Oath to the Interrogators proposed, their Depositions being always declared to be of no force nor danger to themselves; all which concurred both in Mr. *Carstares* and Mr. *Spence*: This man albeit he was not easily brought to confess, yet once brought to it, seem'd very ingenuous. And what he deposed at several times, is insert to a word in his Deposition; which is not here insert, to evite prolixity, being at full set down in *Jerviswood's* Process hereto subjoyned, pag. 23.

Every step discovering a new Scene of Treason, the Secret Committee did order the apprehending of *Polwart*, *Tormoodlie*, *Philiphaugh*, *Gallowshells*, and the Earl of *Tarras*, as those who had corresponded with other Scotsmen and Englishmen in *England* on these Treasonable Designs: *Polwart* and *Tormoodlie* being indeed most active, and conscious to themselves of the highest Guilt, were more watchful over themselves then others, and so escaped before they were taken; the other three were brought in to *Edinburgh*, where *Philiphaugh* and *Gallowshells*, did at their first appearance freely and voluntarily confess, as is subjoyned in the said Process against *Jerviswood*, pag. 14, 15, 16, 17, 18, 19, 20, 21, 22, 23. both these had assurance that their Confessions should not militate against themselves, without which they could not legally be examined upon Oath in so capital a Crime.

*Alexander Mouro* another of the Prisoners being likewise examined, did depone, as is subjoyned in the said Process; and shortly thereafter the Earl of *Tarras*, without either craving or receiving any security, but on a sincere remorse for his Guilt, did give in an ingenuous Confession of what he knew of the Design, as it is there also subjoyned pag. 12, 13, 14.

These Depositions and Testimonies both in *England* and *Scotland* concurring to bring a manifest Guilt on *Baillie* of *Jerviswood*, as one of the most active and violent in these Conspiracies, whereby he did design with all possible rigour, and imaginable violence, to destroy the sacred Person of His Majesty, and His Royal Brother, to overturn the Monarchical Government of *Britain*, to destroy our established Religion, the Property and Liberty of all Subjects, to settle all the Power in the hands of Bloody and Fanatical Assassins, to break off the happy Peace and Tranquility wherewith God hath blessed us, under the Reign of a most Gracious King; and in place thereof to throw these Nations into Ruine and War, and to bring over our Isle a Deluge of Blood; he was pitched upon as the first Person who should be brought to Tryal for these Execrable Crimes; and accordingly on the 23 of *December* 1684, he was brought before the Justice Court, the Privy Council having commanded such Advocats as he named, to plead in his defence, so far as Law could allow; the Libel adduced against him being found Relevant beyond all Controversie, he was by a Jury of Noblemen, Barons, and others his Peers, found guilty of these Execrable Crimes, and by the Proofs adduced against him in presence of the Judges, Jury, Pannal, and a Croud of all kind of People who were Auditors, they were all convinced of his Guilt; wherefore he was on the 24 of *December* condemn'd to the death of a Traitor, being Hang'd, Quartered, and his Quarters affix'd.

The

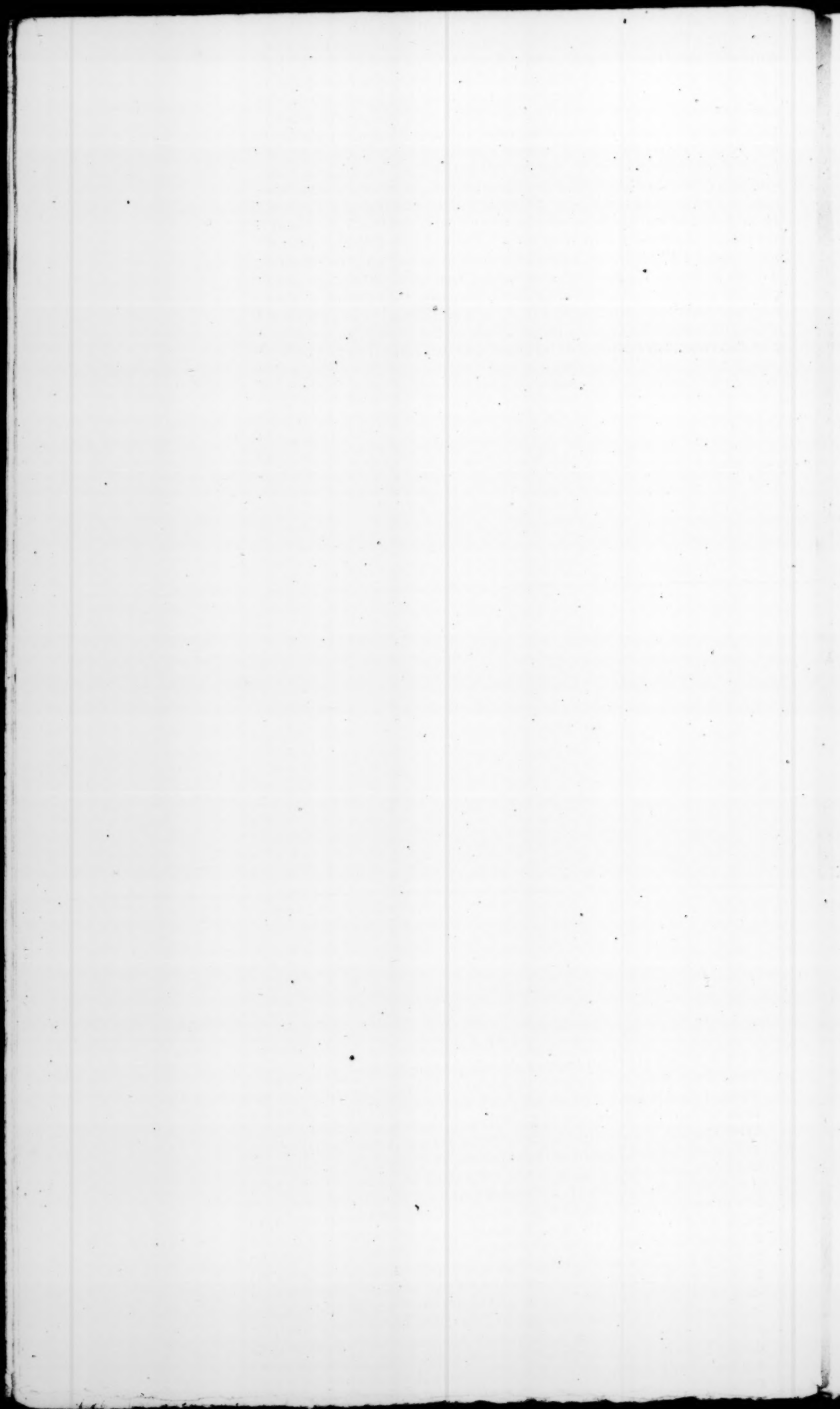
The plain and evident probation adduced against *Baillie of Jerviswood* in this Process, the Probation and Confessions of Captain *Thomas Walcot* and *John Rouse* in *England*, not only at the time of their Trial, but at the time of their Death, when all dissimulation was to little purpose; The faint Defences of the Lord *Russel* and Collonel *Sidney*, with the open Prevarications in their Confessions, and the certain Demonstration by the discoveries which are laid open in *Argiles* Letter, and the concurring circumstances of the Keys which discovers his Language, the Identity of the Decypher found out in *England* and in *Scotland*, without any correspondence betwixt the Decyphers, with that discover'd by Mr. *Spence*, *Argiles* own Servant and Trustee; the unalterableness of the Position of the words in these Letters discovered by Mr. *Gray*, which in any other Position can make no sense, do not only amount to a sufficient probation, but to an evident and irrefragable demonstration of the truth of the Conspiracy in its blackest view: And chiefly of the late *Argiles* unalterable malice to his King and Country, which he would have past as a Standard in his Exposition and Paraphrase of the Test, under the names of his Religion and his Loyalty; in which sense only he was to swear it then, and to vindicate it since in his Book: And any who will but consider the foregoing evidences, must have the same opinion of the truth of his Book, and of the Justice of his Plea. And no body can doubt the truth of such evidences, but such as would rather with these villanies execute than discovered.

---

F I N I S.

---





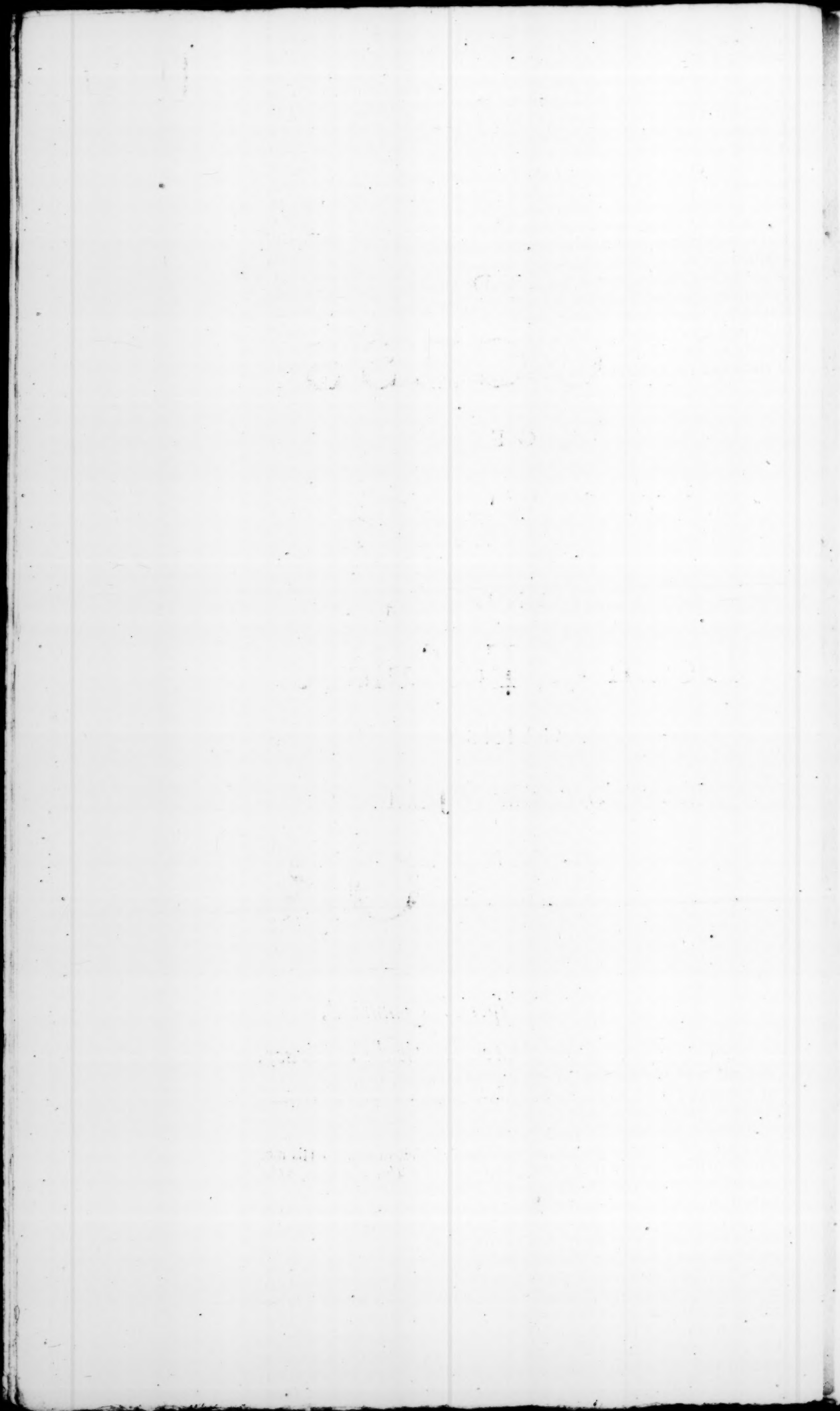
THE  
T R Y A L  
AND  
PROCESS  
OF  
High-Treason  
AND  
Doom of Forfaulture  
AGAINST  
Mr. *Robert Baillie* of Jerviswood  
TRAITOR.

---

*By His Majesties special Command,  
As a further proof of the late Fanatical Conspiracy.*

---

*Edinburg*, Printed by the Heir of *Andrew Anderson*, Printer to His most  
Sacred Majesty, and Reprinted at *London*, by *Tho. Newcomb*, 1685.



*The Tryal and Proceſs of High-Treaſon, and  
Doom of Forefaulture againſt Mr. Robert  
Baillie of Jerviſwood Traitor.*

**C**uria Juſticiaria S. D. N. Regis tanta in pretorio burgi de  
Edinburgh vigeſimo tertio die menſis Decembris 1684. Per  
nobilem & Potentem Comitem Georgium Comitem de Linlith-  
gow, Dominum Livingſtoun, &c. Juſticiarium generalem  
totius Regni Scotiæ, & honorabiles viros, Dominos Jacobum  
Foulis de Colintoun Juſticiaria Clericum, Ioannem Lock-  
hart de Caſtlehill, Davidem Balfour de Forret, Rogerum  
Hoge de Harcarſs, Alexandrum Seaton de Pitmedden, &  
Patricium Lyon de Carſs, Commiſſionarios Juſticiariæ dicti.  
S. D. N. Regis.

*Curia legitime affirmata.*

*Intran*

*Mr. Robert Baillie of Jerviſwood Priſoner*



Admitted and accused, that where notwithstanding  
by the Common Law of this, and all other well  
Governed Nations, the Conspiring to overturn  
the Government of the Monarchy, or of the  
Established Government of this Kingdom, or the  
concealing, and not revealing of any Treasonable  
Design, Project, or Discourse tending thereto;  
Or the assisting, aiding, or abaiting such as have  
any such Designs, does infer the Pains and Pun-  
ishment of Treason. And by the third Act of the  
first Parliament of King James the first, *The Rebelling openly against the  
Kings Person*: and by the thretty seventh Act of His second Parliament,  
*The Resetting, Maintaining, or doing favours to open, or notour Rebels against  
the Kings Majesty, is Declared Treason, and punishable by Forefaulture.* And  
by the hundred forty and fourth Act of the twelfth Parliament of King  
James the Sixth, *It is Declared Treason to Reset, Supply, or Intercommune  
with Traitors.* And by the first Act of the first Session of His Majesties  
first Parliament, *It is Declared, That it shall be High Treason for the Subjects  
of this Realm, or any number of them, less or more, upon any ground, or pretext  
whatsoever, to rise, or continue in Arms, to make Peace or War, without His  
Majesties special Approbation.* And by the second Act of the second Session  
of His Majesties said first Parliament, *To Plot, Contrive, or intend Death, or  
Destruction, or to put any Restraint upon His Majesties Royal Person, or to Deprive,  
Depose, or Suspend Him from the Exercise of His Royal Government, or to levy  
War, or take up Arms against His Majesty, or any Commissionated by Him, or  
to incite any Strangers, or others, to Invade any of His Majesties Dominions, or to  
Write, Print, or speak any thing that may express or declare such their Treason-*  
able



his Intentions, is declared Treason, and punishable as such. Likewise, by the second Act of His Majesties third Parliament, It is Declared High Treason in any of the Subjects of this Realm, by Writing, Speaking, or any other manner of way, to endeavour the alteration, Suspension, or Diversion of the Right of Succession, or debarring the next lawful Successour. Nevertheless, it is of verity that the said Mr. Robert Bailie of Jerviswood, shaking off all fear of God, respect and regard to His Majesties Authority and Laws; and having conceived most unjustly, a great and extraordinary malice and hatred against His Majesties Person and Government, and having designed most Traitorously to debar His Royal Highness, His Majesties only Brother, from His due Right of Succession, did amongst many other Traitorous Acts, tending to promote that wicked Design, endeavour to get himself Elected one of the Commissioners for Negotiating the settlement of a Colony of this Nation in Carolina, in one or other of the days of the Moneths of January, February, March, April, or May, One thousand six hundred and eighty three years; and that he might thereby have the freer and better access to Treat with the Earls of *Sbafisbury* and *Effex*, the Lord *Ruffel* and others, who had entered into a Conspiracy in *Eng* and against His Majesties Person and Government, and with Colonel *Ramsay*, *Walcot*, *Wist*, and *Ferguson*, and others who had likewise conspired the Murder of His Majesties Sacred Person, and of the Person of His Royal Highness; and finding that he could not get himself Elected one of the said Commissioners, he resolved to go to *London* upon his own expenses, and declared to severals (whom he took great pains to draw in to be his accomplices) that his Design was to push forward the People of *England*, who did nothing but talk, that they might go on effectually; and after he had settled a Correspondency here, he did go up to *London* in one or other of the saids Moneths, with Sir *John Cochran* and Commissar *Monro*, and did then, and there, Transact with the saids Conspirators, or one or other of them, to get a sum of Money to the late Earl of *Argile*, a Declaired Traitor, for bringing home of Men and Arms, for raising a Rebellion against His Majesty, and Invading this his Native Countrey; and so earnest was he in the said Design, that he did chide those *English* Conspirators, for not sending the same timeously, and lamented the delays used in it; and perswaded the late Earl of *Argile* and others in his name to accept of any sum, rather than not to engage: and amongst the many meetings that he had at *London*, for carrying on the said Traitorous design, there was one at his own Chamber, where he did meet with the Lord *Melvil*, Sir *John Cochran*, and the *Cessnocks* Elder and Younger, and amongst others, with Mr. *William Veatch* a declared Traitor, and there he did treat of the carrying on of the said Rebellion, and of the money to be furnished by the *English* for *Argyle*, for buying of Armes. And that if the *Scots* would attempt any thing for their own relief, they would get assistance of Horse from *England*; and from that meeting, he or one, or other of them did send down Mr. *Robert Martin* to prevent any rising, till it should be seasonable for carrying on of their Designs, which Mr. *Robert*, after he came to *Scotland*, did treat with *Palwart* and others, for carrying on of the said Rebellion, by securing His Majesties Officers of State, His Castles and Forces, and by putting his Correspondents here, and there Associates, in readines, to assist the late Earl of *Argyle*; and after the said Mr. *Bailie* had engaged many of his Countrey-men in *England*, and had assured his Correspondants here, that the *English* were resolved to seclud his Royal-Highness from his due right of Succession, thereby to encourage them to concur in the said Rebellion, and Exclusion, he flew to that hight, that he did particularly and closely correspond with Mr. *Robert Ferguson*, Sir *Thomas Armstrong*, Colonel *Ramsay*, and *Walcot*, who were accessory to that horrid part of the Conspiracy, which was designed against the sacred Life of His Majesty, and the Life of His Royal-Highness, and did sit up several nights with

with them, concerting that bloody Massācer: at least the said Mr. *Robert Baillie* of *Jerviswood* was, and is guilty of having correspondence with the late Earl of *Argyle*, and Mr. *William Veatch* declared Traitors, and of being art and part of an Conspiracy, for assisting of these who were to rise in arms against His Sacred Majesty, and for exclusion of His Royal Brother, and of concealing and not revealing the accession and proposals of others for that effect. Wherethrow he has committed, and is guilty of the Crimes of High Treason, Rebellion, and others above specified, and is art and part of the same; which being found by ane Assize, he ought to be punished with Forfeiture of Life, Land and Goods, to the terror of others to commit the like hereafter.

**H**IS Majesties Advocat produced an Act, and Warrant from the Lords of His Majesties most Honourable Privy Council, for pursuing, and insisting against the said Mr. *Robert Baillie* of *Jerviswood*, whereof the Tenor follows: *Edinburgh*, The twentytwo day of *December*, one thousand six hundred and eighty four years. The Lords of his Majesties Privy Council, do hereby give Order and Warrant to His Majesties Advocat, to pursue a Process of Treason and Forfeiture, before the Lords of His Majesties Justiciary, against Mr. *Robert Baillie* of *Jerviswood*, to morrow at two a clock in the afternoon preceisly, and the said Lords do hereby Require and Command, Sr. *George Lockhart* of *Carnwath*, and Sr. *John Lauder* Advocats, to concur, and assist in the said Process with His Majesties Advocat, from the intending until the end thereof, as they will be answerable upon their alledgance. Extract by me, *sic subscribitur*.

Colin Mckenzie, *Clk. Sti. Concilij*.

Pursuers.

Sir *George Mckenzie* of *Rosbrough*  
Our Sovereign Lords Advocat

Sir *George Lockhart*  
Sir *John Lauder*. } Advocats.

Procurators in Defence.

Sir *Patrick Hume*.  
Mr. *Walter Pringle*.  
Mr. *James Graham*.  
Mr. *William Fletcher*.  
Mr. *William Baillie*.

Advocats.

**T**HE Pannals Procurators produced ane Act of His Majesties Privy Council, in their favours, whereof the Tenor follows: *Edinburgh*, the twenty third of *December*, one thousand six hundred eighty four years. The Lords of His Majesties Privy Council having considered ane Address made to them, by Mr. *Robert Baillie* of *Jerviswood*, now indited at the instance of His Majesties Advocat, before the Lords Commissioners of Justiciary, of Treason, do hereby Require and Command Sir *Patrick Hume*, Mr. *Walter Pringle*, Mr. *James Graham*, Mr. *William Fletcher*, Mr. *James Falconer*, Mr. *William Baillie* Advocats, to Consult, Compear, and Debate for the Petitioner, in the Process of Treason, mentioned in his Address, without any hazard, as they will be answerable at their peril; Extract by me, *sic subscribitur*.

William Paterfon, *Clk. Sti. Concilij*.

**A**fter reading of the Inditement, the Lord Justice General required the Pannal to make answer thereto.

The said Mr. *Robert Baillie* Pannal pleaded not Guilty.

**M**R. *Walter Pringle* Advocat, as Procurator for the said Mr. *Robert Baillie* of *Jerviswood* Pannal, alleadges that he ought not to pass to the knowledge of an Assize; because he had not got a Citation upon fifteen days, or at least on a competent time, which is usual, and absolutely necessary in all Actions, and much more in Criminal Pursuits, especially, seeing, if a competent time be not allowed to the Pannal, he is precluded of the benefit of an exculpation, without which he cannot prove his Objections against Witnesses, or Assyzers, or any other Legal, or competent Defences; And by the late Act of Parliament concerning the Justice Court, all Pannalls are allowed to raise Precepts of Exculpation, and thereupon to cite Witnesses, for proving the Objections against Witnesses, and Assyzers, which necessarily presupposeth, that a competent time must be allowed to the Pannal to execute his diligence, or otherwise, how is it possible he can prove an Defence of *alibi*, or any other just Defence: and as this is most consonant to that clear Act of Parliament, and to material Justice, and to the Rules of Humanity, so this point has been already fully and often decided, and lately in the case of one *Robertson* in July 1673. The Instance whereof, is given by His Majesties Advocat in his Book of Criminals, and Title of Libels, where the Lords found, that albeit *Robertson* got his Inditement in Prison, yet he behaved to get it upon fifteen dayes.

**H**IS Majesties Advocat oppons the constant Tract of Decisions, whereby it is found, that a person Incarcerated may be Tryed upon twenty four houres; and the late Act of Parliament is only in the case where a Summons or Libel is to be Raised; but here there is no Libel or Summons, but only an Inditement; nor was any Exculpation sought in this case, before the Tryal, which is the case provided for by the Act of Parliament.

**T**He Lords, Justice-General, Justice-Clerk, and Commissioners of Justiciary, Repell the Defence, in respect the Pannal is a Prisoner, and that it has been the constant Custom of the Court, and that the Pannal made no former application for an Exculpation.

**S**IR *Patrick Hume* for the Pannal, alleadges (alwas denying the Libel, and whole Members, and Qualifications thereof) that in so far as the Libel is founded upon Harboursing, maintaining, and Intercommuning with the persons mentioned in the Dittay, the Pannal ought to be assylozied, because it is *res habenus judicata*, he having been formerly pursued before the Lords of his Majesties Privy Council for the same Crimes, and Fined in an considerable Sum; and therefore that Crime cannot now be made use of as a ground of Treason against the Pannal.

**H**IS Majesties Advocat answers, That he Restricts his Libel, to the Pannals entering in a Conspiracy, for raising Rebellion, and for procuring Money to be sent to the Late Earl of *Argile*, for carrying on the said Rebellion; and for concealing, and not revealing; neither of which is referred to his Oath; and consequently was not *res judicata*, there being nothing referred to his Oath; but his Converse and Correspondence with some Ministers, and others within the Kingdom, and his own Gardiner, and his Writing Letters to my Lord *Argile*; and oppons the Decreet

Decreet of Council it self, and restricts the Libel to all the Crimes not insisted on in the Decreet.

**S**IR *Patrick Hume* Replies, That as to the Corresponding with the late Earl of *Argile*, at any time since his Forefaulture, was expressly proponed as an Interrogator to the Pannal in that Pursuit, at His Majesties Advocats Instance against him, before the Lords of His Majesties Privy Council, and that not only his own Correspondence by himself; but also by Major *Holms*, Mr. *Carstares*, *Robert West*, *Thomas Shepherd*, *Richard Rumbold*, and Colonel *Rumsay*, as the Interrogator bears, as appears by a double of the Act of Council, written by the Clerk of Councils Servant, and is offered to be proven by my Lord Advocats Oath: And as to any Correspondency with Mr. *Veitch*, it is not Relevant, since he was not Declared Rebel.

**S**IR *John Lauder* for his Majesties Interest, answers, That he oppons the Decreet of Privy Council, where no such Interrogator was put to the Pannal, and the Decreet must make more Faith than any pretended Scroll, and cannot be taken away by His Majesties Advocats Oath, to His Majesties prejudice; and for Mr. *William Veitch*, he stands expressly Forefault in anno 1667. and the Doom of Forefaulture, is Ratified in the Parliament 1669.

**S**IR *Patrick Hume* oppons the Reply, That as to the Corresponding with Mr. *Veitch*, it does not appear, that he is the person mentioned in the Act of Parliament; and albeit he were, as he is not, he having thereafter come home to *Scotland*, all the punishment inflicted upon him was Banishment, not to return under the pain of Death, which did take off any former Punishment; and it was no Crime in any Person to Intercommune with him, especially in another Kingdom; and by the late Act of Council in anno 1683. Even the Conversing, and Intercommuning with declared Traitors, is restricted to an Arbitrary punishment.

**H**IS Majesties Advocat oppons the standing Doom of Forefaulture against *Veitch*, and the Proclamation, or Act of Council it self.

**T**HE Lords, Justice-General, Justice-Clerk, and Commissioners of Justiciary, having considered the Libel, pursued by His Majesties Advocat, against Mr. *Robert Baile* of *Ferviswood*, with my Lord Advocats Declaration, whereby he Restricts the same to the Crimes not insisted on in the Decreet of Council formerly pronounced against the Pannal: They find the same Relevant as it is restricted, to infer the pain of Treason, and remits the same to the knowledge of the Assize, and Repells the remnant Defences proponed for the Pannal, in respect of the Decreet of Council produced, bearing no such thing as is alleadged, and of the answers made by His Majesties Advocat thereto.



## Asfifa.

The Earl of Strathmore.

The Earl of Belcarras.

Sir George Skeen, Provost of  
Aberdene.Sir James Fleming, late Provost  
of Edinburgh.

Sir John Ramsay of Whitehill.

Adam Hepburn of Hamby.

Andrew Bruce of Earleshall.

John Stuart, Tutor of Alpin.

Alexander Miln of Garri.

Mr. James Elies of Stenbopsmilus.

Sir William Drummond of Haltburnden.

Major Andrew White, Lieutenant of Edinburgh-Castle.

Mr. David Grahame, Sheriff of Wigtoun.

Colin Mckenzie, Collector of Rofs.

David Burnet, Merchant.

**T**He Assise lawfully Sworn, no Objection of the Law in the contrary.

**H**Is Majesties Advocat for Probation adduced the Witnesses and Writs aftermentioned; and first,  
Walter Earl of Tarras.

**S**ir Patrick Hume Procurator for the Pannal, objects against the Earl of Tarras, that he cannot be a Witness, because he is *socius & participes criminis*; and it is clear by the 34. Chap. Stat. 2. Rob. 1. Concerning these that are excluded from bearing of Testimony that *socij & participes ejusdem criminis, vel incarcerationati & vinculati*, cannot bear Testimony: As also, the Earl of Tarras being presently under an Inditement of High Treason, and under the Impressions of Fear, and Death, no person in his Circumstances can be admitted a Witness, as is not only clear from the foresaid Statute, but from the Common Law.

**H**Is Majesties Advocat answers, That it is an exception from that Rule, both by the Common Law, and ours, that in the Crime of lese Majestie, and especially, that Branch thereof, which we call a Conspiracy, *socius criminis* may be a witness, and which is introduced very reasonably by Lawyers, to secure the common interest of mankind, which is the chief of all Interests; and because Conspiracies cannot be otherways proved, and not to allow this manner of Probation, were to allow Treason, since no man can prove a Plot, but he that is upon it, and how can a man object against him as a Witness, whom himself trusted with his Life, his Fortune, and their common Plot, nor is the intenting of the Lybel any stronger qualification, since every man that is *socius criminis*, is under the same impression, and it would rather seem the greater and nearer apprehensions a man has of death, he will be the more sincere and faithful; Nor has the Earl of Tarras, nor did he ever seek any security, in order to his deposing. And this has been constantly, and latlie, conform to the Common Law, as may be seen in the hundreds of Citations set down by Mascard, *de probationibus*, vol. 4. conclus. 1318. num 21. and the contrary citations prove only, that regularly *socius criminis* cannot be a Witness.

Sir

Sir Patrick Hume replies, that the Statutes of Robert the first is opposed, and *non est distinguendum ubi lex non distinguit*, and not only was he *socius criminis*, which is acknowledged, but he is *in carceratus*, and lying under an Indymtent of high Treason, and has thrown himself on the Kings Mercy, and it is not proper he should be a Witness, seeing he is in the Kings Mercy, who may give him his life or not, and there was never a Person in these circumstances, that ever was admitted a Witness.

MR. Walter Pringle adds, That the Earl of Tarrus, is not only in the case of a person who stands Indytred for High-Treason; but must be look'd upon, as a person condemned for the said Cryme, seeing he fully, and amply confest the Cryme: & *confessus habetur pro convicto*, and never any Lawyer asserted, That *damnatus criminis læsæ Majestatis* could be admitted as a Witness, and there is nothing more clear, then that by the common Law, and the Law of all Nations, this Objection ought to be sustained, for the Civil Law is clear, *leg. 11. cod. de testibus* and *Mathens* in his title *de probationibus, cap. de testibus*, doth assert positivlie, that the Cryme of lese Majestie, Heresie, and generally all these Crymes *quæ sine sociis non possunt facile admitti*, are not excepted. And he asserts, that the Lawyers, *viz. Gomezius, & Decianus*, who are of another Opinion, do acknowledge, *nominatum a reo damnandum non esse*, and that they contravert only, *An nominatio rei sit indicium sufficiens ad torquendum nominatum*.

Sir George Lockhart Repeats, and opposes the Answer, and the Cryme is lybelled, being a Conspiracy of Treason, which of it's own nature is manag'd, and caryed on by Secrecie and Contrivance; and which is only known to the Complices of the Treason, and which cannot be committed *sine sociis*, the Law of this Kingdom, and of all Nations, do allow *socios criminis* to be *testes habiles*, and not only are they admitted in the case of such Conjurations, but generally in *omnibus criminibus exceptis*, amongst which the Crime of *Perduellion*, and lese Majestie is the chief, and it is absolutely impossible, that Plots, and Conspirations of Treason can be otherways proven, then *per socios*, and such as are *participes criminis*, and which is the common opinion of all Lawyers, as may appear by *Farin. Quest: 45*. And the Authorities cited by him, and which is the inviolable practice of this Kingdom: and as to that pretence, that the Earl of Tarrus is under a Process of Treason, and has submitted to His Majesties mercy, and that *confessus habetur pro convicto*, it imports nothing, and infers no more then that he is *socius criminis*, and is still a habil witness, as to Conjuratiō of Treason *socius criminis hoc ipso*, that it is acknowledged, or proven, being still under the hazard of Process, or condemnation, which Law regards not in regard of the secrecy involved in the nature of the Crime, that either witnesses *neque actu neque habitu*, can be present, so that the objection amounts to no less then that Conjurations of Treason cannot at all be proven: And as to the Law cited from the *Majestie*, it imports no more then that the Objection *regulariter procedit*, in Crimes, which of their own nature are not *perdifficilis probationis*, and are not *inter crimina excepta* such as the Cryme of Conspiracy and Treason is.

MR. William Fletcher Oppons the Objection, and Reply, and further adds, that albeit *crimen læsæ Majestatis* be reckoned *inter crimina excepta*, and so have some priviledge, as to the qualification of Witnesses, yet it cannot be denied, but there are some Objections competent against Witnesses adduced for proving Conspiracies, and Treason, *verbi causa*, that a Witness is a Capital Enemy, or that he is *sub potestate accusatoris*, and the Objection now pleaded, being taken complexlie, *viz.* That the Earl of

L

Tarrus

*Tarras* is not only *socius criminis*, but also, that he is *publico judicio reus*, upon the same Crime, and that as means to procure His Majesties favour, he has submitted himself, and come in His Majesties mercy, by an acknowledgment of the Crime, before the Dyet of Citation, he is obnoxious to a most just Objection, viz. That he is *sub potestate*, and by the submission, and Confession, his Life and Estate is now in His Majesties hands, so that he is not only in the case of a *reus confessus*, but in the case of a Witness, who does absolutely depend upon His Majesties Advocate the Pursuer; and as a private accuser, could not adduce his own Servants to be Witnesses, because they are *testes domestici*, and depend upon him, so far less ought a Witness to be adduced, who not only depends, as to his Estate, but as to his Life, and the Law gives a very good reason, and which is mentioned by *Paulus*, lib. 1. *receptorum sententiarum*, cap. 12. parag. ult. In these words. *de se confessus, non est audiendus ut testis, ne alienam salutem in dubium deducat qui de suis desperavit*; and as to the pretence that a Conjuratation is a Crime so occult, that it must either be proven by such Witnesses, or otherways the guilty person will escape. It is answered, that in this case, His Majesties Advocate had an easie remedie, for he might have pursued the Pannal, before he pursued the Witness, and the Terror and Apprehension of the event of a Process for Treason cannot be constructed otherways, then to have influence upon the Deposition of the Witness; and as to the Citation out of *Farinacius*, it is only in the case of *socius criminis*, but when he comes to treat *de teste accusato vel carcerato*. *Quest. 56. articulo 4to*. He sayes, *Regula fit in accusato quod in pendente accusatione a testimonio repellitur*. and be the 2d. Rule of the same Article, He sayes, it is a principle *quod carceratus testimonium ferre prohibetur*, and he gives this reason, *quia presumitur, quod falsum testimonium diceret pro aliquo qui ei promiserit se liberare a vinculo*, and limits this Rule, that he must be *carceratus propter crimen*.

**S**ir *Patrick Hume* adds, that it is a certain principle, that any person that is guilty *infamia juris*, cannot be a Witness, no more than a person that is Convict, and Condemned of Treason; and if he were Convict, and Condemned of Treason, he could not be a Witness, even in the case of Treason: so neither can the Earl of *Tarras* in this case be received a Witness, for he being adduced a Witness after he received his Indictment, and confessed the Crime, is equivalent, as if he had been actually Convict; and whatever may be pretended, that *testes infames* may be admitted; yet it was never asserted by any Lawyer, that a person Convict of Treason can be admitted a Witness.

**T**He Lords Repelled the Objection against the Earl of *Tarras*, and ordains him to be received a Witness.

Nota, That the Earl of *Tarras* depon'd nothing against *Jerviswood* but what the other two Witnesses depon'd against himself before the Trial, and upon which there- after they being renew'd, the Earl was forfaulted; so that there could be no ground of suspicion from his Circumstances.

**W**alter Earl of *Tarras*, aged forty years, married, purged, and sworn; being Interrogat, if about the time that Sir *John Cockran*, and Commislar *Monro* got their Commission from the *Carolina* Company for London, the Pannal Mr. *Robert Baillie* of *Jerviswood* did not desire the Deponent to speak to Commislar *Monro*, to try if he could get him the laid Pannal added to that Commission, Depones affirmative. Being Interrogat, if the said *Jerviswood*, the Pannal, did not tell the Deponent that he was resolved to go to London however upon his own Expenses, and that his and their going about the *Carolina* Buusiness, was but a pretence, and a blind; but that the true design was, to push forward the people of England who could do nothing but talk, to go more effectually about their buusiness, Depones affirmative. Depones that the Pannal did settle a Cor-  
respondence

spondence with the Deponent whereby he wasto give an account to the Deponent of what should pass berwixt the Countrey Party in *England*, and the *Scots* men there: and on the other hand, the Deponent was to Write to him what occurred here; Depones that the Pannal did say to the Deponent, if the King would suffer the Parliament of *England* to sit, and pass the Bill of Seclusion, that that was the only way to secure the Protestant Religion. Depones that the Pannal said to him, that the King might be induced to do so, if the Parliament would take sharp or brisk measures with Him, or the like. Depones these words were spoke to him by the Pannal since the holding of the last Session of this current Parliament; and before the Pannal and Commislar *Monro* went for *London*. Depons that after the Pannal went to *London*, he did give the Deponent an account by Letters, that things were in great Disorder there, and that he hoped there would be effectual Courses taken to remeid them. Depones that Mr. *Robert Martin* did come to Mr. *Pringle* of *Torwoodlies* House in May 1683. or thereby, and brought a Letter to the Deponents Lady unsubscribed, but the Deponent knows it was *Jerviswoods* Hand-writing, who was then at *London*, and that Mr. *Martin* told the Deponent, that things in *England* were in great disorder, and like to come to a hight, and that the Countrey Party were considering on methods for securing the Protestant Religion. And that *Archibald*, sometime Earl of *Argile*, was to get ten thousand pounds *Sterling*, whereas thirty thousand pounds *Sterling* was sought by the *Scotsmen* at *London*, which was to be sent over to *Holland* to provide Arms; and that the late Earl of *Argile* was to Land with these Armes in the *West-Highlands* of *Scotland*, and that the Deponents Friend *Jerviswood* the Pannal, was to be sent over with the Money. Depones that *Philiphaugh* and he went to *Gallowshiels* House, where they met with *Poltwor* and *Gallowshiels*, and that it was talked amongst them there, that in case those in *England* should rise in Arms, that it was necessary in that Case, that so many as could be got on the Borders should be in readines to deal with Straglers and seize upon Horses, and that thereafter they should joyn with those that were in Arms on the Borders of *England*. Depons That in the case foresaid, it was said, it was convenient the Castle of *Stirling*, *Bernick*, and some other Strengths should be seiz'd upon; and it was likewise spoke amongst them, that some persons should be employed to inquire what Arms was in that Countrey. Depons, That it was spoke then, that the best time for *Argyle* was to land in the West when there was a stir in *England*, or *Scotland*, or words to that purpose. Depons, That every one desired another to speak to such particular persons as they could trust, by letting a word fall indirectly upon supposition, in case of the Rising in *England* concerning the Affair for preparing of them: And that he was told by *Philiphaugh* thereafter, that there was a Word and Sign to be used amongst them, viz. the sign was by loosing a Button on the Breast, and that the Word was Harmony. Depons, the Pannal spoke to the Deponent to advertise *Torwoodlie*, that he might acquaint Mr. *William Vench* a forsault Traitor, who was in *Northumberland*, that he might keep himself close, and be on his guard, lest he should be catch'd; which was since the Pannal was Prisoner in the Tolbooth of *Edinburgh*. And this is the truth, as he shall answer to God. Sic subscribitur,

Tarras,

Linlithgow. I. P. D.

Alexander Monro of Bear-crofts, Aged fourty five Years, or thereby; solutus, solemnly sworn and purg'd. Depons, that the Earl of *Tarras* proposed to the Deponent, that *Jerviswood* might be made one of the Commissioners for the Affair of *Carolina*, for that he could not safely stay at Home; and that the Deponents answer was that he had no interest in the Affair, and so could not be a Commissioner. Depons, that the Pannal did wait



wait for the Deponent at *Wooler*, and did go alongst with him to *London*, and that by the way he heard him regrave his own hazard and others, because of *Blackwoods* Sentence; and that he heard him regrave the hazard our Laws, and Liberties, and the Protestant Religion were in. Depons, that the Pannal spoke to the Deponent and others, more then once at *London* for getting of Money from the *English* to be sent to the late Earl of *Argile*, for bringing home Arms for the said Earls use, as he understood, for carrying on an Insurrection, and Rebellion in *Scotland*. Depons, that at the time libelled, in *Jerviswoods* Chamber in *London*, Mr. *William Veitch* a forfault Traitor was present; and that Sir *John Cochran* did at that Meeting expressly speak of Money to be sent to *Argile* for bringing home Arms for invading the Kingdom of *Scotland*; And that at another occasion he heard some of them say, that there would be twenty Thousand Men in *Scotland* who would assist the Rebellion, and that he heard Sir *John Cochran* and *Jerviswood* speaking of it, but cannot be positive which of the two said it. Depons, that at the Meeting he heard *Jerviswood* speak, but did not hear him oppose that Treasonable Proposal, or contradict the Overture proposed by Sir *John Cochran*. Depons, that Mr. *Robert Martin* was sent down from that Meeting which was at *Jerviswoods* Chamber, to *Scotland*, to try what the People of *Scotland* would do for their own safety: And that it was understood that the people of *Scotland* should not rise till there should be a rising in *England*, and that the Commission was granted to Mr. *Robert Martin* by all the persons present, whereof *Jerviswood* was one, and that there were present the Lord *Melville*, Sir *John Cochran*, *Cessnock* elder and younger, Mr. *William Carstairs*, Mr. *William Veitch*, *Jerviswood*, and the Deponent; and depons they did contribute Money for Mr. *Martins* Journey. Depons, that at his return he meeting with the Deponent, told him, that Matters were in that condition in *Scotland*, and that the Countrey was in such a condition as little would kindle the Fire in order to the Rebellion. And this is the truth, as he shall answer to God. *Sic subscribitur*,

*Alexander Monro, Linlithgow, I. P. D.*

**J**ames Murray of *Philiphaugh*, aged 30. Years, married, purged and sworn, produces four Leaves of Depositions, emitted by him before the Lords of the Secret Committie, and all Written and Subscribed with his own hand, which being publickly read, in presence of the Justices, and Assize, he adheres thereto, in all points, whereof the Tenor follows. Upon the day of May, 1683. Upon a letter from Mr. *Pringle* of *Torwoodlie*, I came to his house in the morning, and he presently led me to a Chamber, where I found Mr. *Robert Martin*, who was lately come from *London*, with whom we stayed a little, and discoursed of the news, and about the present condition, and temper of *England*, and in particular of *London*, which Mr. *Martin* said, was much irritated through some attempts upon their Priviledges, either as to the concern of the Sheriffs, or their Charter, but that all honest men were of good heart and very brisk, and after some general discourses to this purpose, *Torwoodlie*, and I left him and walked out a little, and he told me, he was expecting the E. of *Tarras* presently, for he had sent to him; and Mr. *Martin* had a Letter to him from *Jerviswood*, then he told me that there were great matters in agitation at *London*, and that Mr. *Martin* had come down with a Commission from our friends there, (I do not remember he named any) but that I behoved not to expect, he would impart his Instructions to me, for he was to communicate them only to *Polwart* and himself, (at least for these Shyres) and they were to pitch on such as they thought fit to intrust with the affair, whereupon he assured me, that he had great confidence in me, and his kindness to me obliged him to send for me, to acquaint me that matters were now come to a

*crisis*,

exist, and that he had reason to think *England* would shortly draw to Arms, and stand by them, till they were satisfied anent the Bill of Exclusion, and what other security they could propose for the Protestant Religion, and their Liberties, and that it was no project of any inconsiderable party but a design through the Kingdom, and that many of the finest men, and of the greatest interest and credit there, had adjusted almost every thing necessary for the purpose, and had concerted matters with our Friends there, in order to concurrence from this, and had agreed to advance Money for furnishing Arms here, ( I do not remember he told me more particulars at this time ) but said, *Polwart* would be at *Gallow-shiels* that night, and it would be necessary that the E. of *Tarras* and I should confer with him fully, on the business, about this time the E. of *Tarras* lighted, and *Torwoodlie* having left us for a little time, being gone to bring Mr. *Martin*, the E. of *Tarras* asked me, what news, I told him of Mr. *Martin* being there, but that he had given me no account of the design of his down-coming, which perhaps he would acquaint him with, but by what I had heard from *Torwoodlie*, I understood it to be, to engage us to rise in Arms shortly, whereat the E. of *Tarras* hummed, and said, he would look ere he leapt, such a leap, or some such expressions, presently Mr. *Martin* came, and the E. of *Tarras* and he retired a little, after the reading An Letter, he gave him, the Contents whereof was ( as the E. of *Tarras* informed me ) only an order from *Jerviswood*, to deliver some Money to the bearer, which he had left with him, and the E. of *Tarras* called for his Servant, and bad him bring up the Money ; in the meantime, *Torwoodlie* asked me, if I had acquainted the E. of *Tarras* with what he spoke to me, and I told him, I had let something of it fall to him, but it was not to be thought, that persons of sense and quality would engage in such designs at random ; so *Torwoodlie* said, that ( though Mr. *Martin* would not commune with us upon his Commission directly ) yet he thought it would be fit, we conferred, and without taking notice of his Commission, discoursed of things upon suppositions, and as our own private notions, abstract from any prospect of a present design, so after dinner, we four went to a Chamber, and after some general discourses, of the discontents of both Kingdoms, these suppositions following were discoursed ( and as I remember ) Mr. *Martin* started them all, or the most part) viz. What if the country party in *England* should have thoughts of going to Arms (whereof he knew nothing but only supposed such a thing, for discouraging a little freely, and to know our sentiments, what we thought could be expected here in such a case ) would it not be expedient to have a settled Correspondence betwixt that Party there and here, and might not matters be so adjusted, that both Kingdoms should draw out in one day, and might not as many be expected to undertake in these Shires, and about *Edinburgh*, as would serve to surprize, and seize our Rulers ( I do not remember any named, but the then Chancellour and Treasurer ) and some to joyn with these on the *English* borders, to assist them to surprize *Berwick* ; and if for that effect, any Horse, or Dragoons, that should be in the bounds might not be surprized, that their Horse and Arms might be gotten to furnish the Country people, and *Stirling* Castle ; and if *Argyle* should at the same time Land in the West, and raise that Countrey, would not these Measures contribute much to the advancement and security of the Interest of that Party here, since thereby the Government would be disordered, and such steps would encourage all that had an inclination to the Country Party, to draw to them frankly, and scar many of the other side to act against them, and so they might have leisure to joyn from all places ; and might it not be expected, there would be as many in this Kingdom, as would be able to deal with the Forces here, at least divert them from troubling *England*. This is the sum, as I remember, of what

was propos'd; and discours'd of, though I cannot distinctly say, it was in this method, and expression, nor was all mov'd at once, but drop'd now and then, as the Discourse seem'd to give rise to it; and though I cannot fully Re count all that was spok'd on these Heads, and tell distinctly, what this and that man said; yet I remember these following Answers were giving, and (as I judg'd) acquiesc'd to by the whole Company; and they were certainly the E. of *Tarras*, his sentiments and mine, and every one that spok'd, us'd this or some such Precaution, that if they were concern'd, or to give counsel in any such case, (as they were not, &c.) 1. As to the settling a Correspondence, it was confest to be very convenient for those of a common Interest; but the present circumstances of Affairs were such (as we thought,) that none could be found here who was fit to manage it, and would undertake it. 2. As to the tryling at the same time, it could not be done without the devulging the Design to all Ranks of people, which none would undertake, except these already in desperat Circumstances, and they could not have generally much influence. 3. The thing was not at all adviseable for this Kingdom, since if any of *Englands* own measures miscarried, they would not stir for any such Trust; and the spring of their motions being always at *London*, there might happen an interruption near the appointment, whereof these here could have no timous notice, and so might keep Tryst, whereby they would be expos'd a prey; and if they should subsist any time, or prevail (which was hardly possible) the multitude that must be employ'd, are tainted with such wild and unruly Principles; that if once they got the Sword in their Hands, they would never be brought to Order without a greater force to overawe them; neither would any expectation of *Argiles* Landing, be a just ground for such a Tryst, considering the uncertainty of Sea-Voyages; and if *Argile* were to be the Head, undoubtedly many people would conclude that he were to be suspected of private designs, and that restoring him, might lay him aside: As also, that despair might blind his usual prudence, and prompt him to unsolid, and undigested Methods; and so it was to be expected, that few of the Gentry (except such as he had special influence on, or such as were under hard Circumstances) could embarque with him, 4. As to the surprizing Rulers, &c. It was inveigh'd against, as an Action not to be thought of amongst Protestants (especially when the very design of it was pretended, to secure that Religion, which taught its Professors to abhor and detest such Principles as Popish, yea un-christian) since it could not be effectuat without Blood-shed of people, secure in Peace, which being by all approv'd, Divines and Casuists condemn'd as unlawful, and meer Assassination; it was not to be doubted, that as such a practice would cast a blot upon the whole Affair, and quite take off any pretence of Defensive Arms, so it would scar many from joyning. These things were reason'd again and again: But I do not remember there was any formal Conclusion made, but the Discourse was let fall; and Mr. *Martin* told us, if any of us had a mind for a suit of Armour, he could provide as many as we pleas'd, from one who had made a great many lately, to honest men at *London*, of a new fashion, very light, and at an easie Rate; so *Tormoodlie* and I gave him our measures, E. of *Tarras* told he had a suit already; Then *Tormoodlie* said to the E. of *Tarras* and me, we would meet *Polwart* at *Gallowshells*, and desired we might Commun with him, anent what we had been Discouring, so we hast'd away, that if possible, we might both get home that Night, it being *Saturday*, and we unfurnish'd, for staying abroad, and *Tormoodlie* whisper'd me just as I was mounting (as I think) that he was not clear we should commun before *Gallowshells*, for he was sometimes too much Good-fellow, or the like; so the E. of *Tarras* and I Rod away together, and upon the way we were both of Opinion, that the Suppositions we had discours'd of, were in effect Propositions, and resolv'd,

if



if they were insisted on by *Polwort*, as we suspected, we would adhere to the former Answer, and would undertake nothing in these methods; When we came to *Gallowshells*, the Laird was abroad, and *Polwort* was not come, so we had thoughts to go away, being both damped with what had passed, and inclining to be free of farther meddling; but the Lady would by no means hear of our going till her Husband came, who, she assured us, was about the Doors, and she having sent to call him, he would be in presently; yet it was so late ere he came, that the E. of *Tarras* could hardly have day enough to go home with; so *Gallowshells* would not let him go, and he would not stay, unless I stay'd, so we both stayed, and not being resolv'd to Discourse with *Gallowshells* on what passed, we went to the Tavern, on pretence I might call the Baillie, and seek Horses or Lime, and stay'd there till *Polwort* came (which seemed unknown to *Gallowshells*) then we returned to *Gallowshells* House, and after Supper *Polwort* whispered the E. of *Tarras* and me, and enquired if we had seen Mr. *Martin*; and we having told him we had, he enquired, if we were free to commun on the Affair before *Gallowshells*, we told, as he thought fit, for we could trust him; Then he whispered *Gallowshells*, and (as I understood afterwards) asked if he was free to commune on matters of great Secrecy and importance with that Company, to which he assented, then we sat down close together, and as I remember *Polwort* began the Discourse; But since I am not able to follow exactly the method of our Conference, or keep the very expressions used, or repeat all that was spoke, or to tell distinctly what was every mans part of the Discourse; I shall set down the Heads, and most remarkable Passages thereof, that I remember in some Articles following; 1. *Polwort* signified that he was credibly informed (but I do not remember he named his Informer) that the Country party in *England* would draw to the Fields shortly, as he heard before *Lambart*, wherewith *Gallowshells* seem'd visibly surprized; and being asked, if his Heart fail'd him already, he said he did love it better truly to be walking in his own Parks in Peace, and quiet, than to be meddling in such matters; however he assured the Company, that if there came any troublesome world, he would joyn with them firmly; and the E. of *Tarras* said, he wondred to hear of any such Resolution in *England*, for he took it for a Principle amongst that Party there, that they should make no stir in the Kings Life (which the whole Company owned to be their Opinion and desire) because that might strengthen the Dukes interest; and he suspected it was the project of the Common-wealths men, with whom he believed, few *Scots* Gentlemen would joyn; and he was almost perswaded the D. of *Monmouth* would not concur in any rising during the Kings Life, To which it was answered by *Polwort*, that he had indeed heard that principle had been generally agreed to, but it seem'd they found, they behoved either to do their business now, or lay aside hopes of doing it hereafter, which might be, that if the Charter of *London* were let fall, they would not only lose all safe opportunity of digesting Matters; but a great part of their strength, and he heard all things were concerted mutually, betwixt *Monmouths* Friends and the Heads of the Commonwealth Party; and tho he heard *Monmouth* was shy on that account, yet it was hop'd he would engage, for otherways he would be deserted by that Party. 2. *Polwort* told us the suppositions above-written as overtures concerted betwixt our friends at *London*, and the principal men of that Party there; so the E. of *Tarras* and I renewed our former answers also above-written, and maintained them with all our vigour, wherein *Gallowshells* joyned forwardly with us; and *Polwort* asserted, we went on very good grounds, and he was fully of our opinion, if things were entire but referr'd it to be considered, whether it were better to comply with some of these methods, tho not so proper and justifiable as were to be wish'd



with, then to disappoint the business totally, which might be of the best consequence to all the Party, yet we did not condescend as I remember to undertake any of these methods. And there was a further argument adduced against the trusting above-written, viz. That it was talked there was a day appointed in *England* lately in *Shafisbury*'s time, which did not hold, so they were not to be relied upon. 3. It was proposed to be considered what methods were most proper in the Companies opinion for *Scotland* to follow in case of *Englands* rising, whereanent it was said, that all that could be expected or desired from *Scotland*, was, that upon the certain News of *Englands* being in the Field, those in the Southern Shires who would own that Party, should presently rise, and (how soon they could get as many conven'd as would be able to deal with stragling Parties, or any sudden rising in the Countrey) march to joyn them, and that it would be fit these in the Northern Shires of *England* waited near the Borders for such, and that they had Officers trysted there to command, and that then it would be seasonable for *Argile* to land in the West, and these Parties on the Borders might divert the Forces till he had time to put himself in a posture. These things seem'd to be the sentiments of the whole Company, but were not finally determined till the opinion of others who were to be communed with by *Polwart* were known: And it was represented, there behoved not to be any wilful and obstinate adhering to our own thoughts of things, (but an mutual condescendance to others concerned,) otherwise it were not possible to bring a publick Design to any good issue. 4. All the Company seem'd to agree, that they should undertake nothing or move in that Affair, till they had a full and certain account what *England* proposed, what methods they resolved to follow there, who were to be their Heads, and that if they design'd any attempt on the Kings Person, or overturning Monarchy, they would not be forward or clear to joyn: And it being here insinuated, that the most they could do (at least for which there could be any plausible pretence to justify) was to draw together, and without any act of Hostility, send Addresses to His Majesty for redress of the present abuses of the Government, and for obtaining sufficient security against the hazard they apprehended to their Religion and Liberties. It was said by *Polwart* that he was apt to think, that was their very design, for he had heard it was generally believed by that Party in *England*, that if once they were in a Body, the King would be prevailed with to quite the Duke, to be tryed for Popery, correspondence with *France*, and accession to the Popish Plot, and then if the King were once free from the influence of the Dukes Counsels, they were confident he might be moved to reform their Abuses, and secure their Religion and Liberties for the future to their contentment. 5. It was resolved, that till we got the foresaid account from *England*, and were satisfied thereanent, and knew others here (who were to be communed with) their Sentiments of what methods were most proper for us, in case we should undertake, we should not meddle further; only it was left to the Earl of *Tarras* and me, if we thought fit to acquaint Sir *William Scot* younger with some of the matter of this Conference overly, without taking notice of our Informers, or such an Conference; and it was recommended to all to be enquiring (at such as they had some trust in) indirectly about the affection of our Neighbours, and what Arms there was amongst them; that if we should get an satisfying account, and resolve to joyn, we might know where to seek Men and Arms suddenly: here it was said by *Polwart*, as I think, that if the E. of *Tarras*, *Tornwoodlie*, *Gallow-Sheils*, and I once took Horse, he thought the most part of the West end of *Tiviotdale* and *Selkirk* Shire would soon come to us, especially, when they heard *England* was risen, then we trysted to meet there against *Midsummer* Fair, betwixt and which the foresaid account was expected, but in

case it came to any of our hands sooner, we promised to advertise the rest, that we might meet, presently, if the case required; this is the substance and sum of what passed at the forsaide conference, that I can now remember; but I remember, I was likewise told these following particulars in privat, by *Polwart*, or *Torwoodlie*, (which of them, I cannot distinctly tell) the day of the forsaide conference, or within a short time after.

1. That *Polwart* kept the correspondence with our friends at *London*, I remember not positively of any of them that was named, to be on the entrigue there, except my Lord *Melvil*, Sir *John Cochrane*, *Jerviswood*, and Commissar *Monro* (for I hardly knew any of the rest) and as I think, Commissar *Monro* was call'd his correspondent there. 2. That the Money to be advanced by the *English* partie to *Scotland* was ready, when Mr. *Martin* came from *London*, and it was expected, that within few days after, it would be dispatched with some confident to *Holland*, (whither by Bills, or in Cash, I cannot say) it was call'd ten thousand pound Sterlin, and was to be employed (as I was told) by that confident, at *Argyles* sight, for buying Arms, providing Ships to transport them with *Argyle*, to the West here, and such other Charges. 3. That how soon our friends at *London* got notice of the safe arrival, of the confident forsaide, and all other things were finally concluded there (which was expected would be about the middle of *June*, as I remember) they would come home, and as they passed, would give them, or one of them, an particular account of all resolutions taken to be communicat to the rest, that it was not to be expected by Letters, that behoved to be under figures, and dark expressions, and as I remember, they were written as it were about the *Carolina* business, or some household Furniture, as I was told, for I never remember I saw any Letter, either direct to *London*, or sent from it on that head. 4. I was told there was a Sign, and a Word agreed on by that Party, so that men might know with whom they might use freedom, the Word, as I remember was *Harmony*, and the Sign, the opening two Buttons in the breast coat and shutting them presently; this I communicat to the Earl of *Tarras*, but does not mind I ever saw it used, except when I visited *Park-Hay* here in Town, about the end of *June*; we discoursing a little freely, he asked if I had the Word and Sign of the *Carolina* men, and I having given them, he said something to this purpose, that he was afraid that the *Carolina* business did not go well, for there had been some of the Managers expected here (as I think he named *Jerviswood* or Commissar *Monro*) these eight days past, but there was none come, nor could he learn that any of their Friends had heard from them for several Posts. *Polwart*, *Torwoodlie*, and I met at *Gallowsheils*, on Midsummer Fair, but I mind nothing passed but private whisperings. Dated September 15. 1684. and subscribed thus,

James Murray.

Edinburgh, December 23. 1684.

THE Deposition above-written being read to the said *James Murray* of *Philiphaugh*, in presence of the Justices and Allizers, he adheres thereto in all points upon Oath. Sic subscribitur,

James Murray.  
Linlithgow, I. P. D.

THE said *James Murray* further depons, That at their meeting at *Gallowsheils*, it was resolved, that they should keep up their Cess unpaid till their next meeting at Midsummer, which was to be at *Gallowsheils*, and should deal with all these they had influence upon to do the like, and that upon the supposition mentioned in his Oath given in. It

N

was

was spoke amongst them that the Troupers Horfes should be seized upon, when they were grafing. And this is the Truth, as he shall answer to God. *Sic Subscribitur,*

James Murray.  
Linlithgow, I. P. D.

**H**ugh Scot of Gallowshells, aged 36. Years, married, purged, &c. and sworn. Depons, That the Earl of Tarras and Philiphaugh did come to the Deponents House, in May, 1683. and Polwart came likewise there, where there were Discourses and Proposals, that if the English would rise in Arms, their Friends in the South Shires should rise with them; and that they should seize the Horfes belonging to the Kings Troops where they grafed; and the Town of Berwick, and the Castle of Stirling: And likewise it was there discoursed anent the late Earl of Argiles coming to invade Scotland, but because of the uncertainty of Sea Voyages, there was not much stress laid upon it. Depons, It was also proposed, that some of the South Countrey whom they trusted in should be acquainted with it, and that endeavours should be used to learn what Arms was in the Countrey. Depons, There was some such discourse there, as that the Earl of Tarras, Philiphaugh, Torwoodlie, Polwart, and some others should draw to Horfe with the first when the rising should be in readines, that it might be expected that the South parts of Teviotdale and Selkirk Shire would joyn with them. And this is the truth, as he shall answer to God. *Sic Subscribitur,*

Hugh Scot.  
Linlithgow, I. P. D.

**H**is Majesties Advocat produc'd other Depositions, emitted by Gallowshells before the Lords of the Secret Committee, whereof the Tenor follows.

Edinburgh, the 14 of September 1684.

**G**allowshells Depons, that the E. of Tarras and Philiphaugh, being in his House in May 1683. Discoursed of an intended rising in England, and of Proposals made to Scots men, to rise with them, and of London in particular, and that Polwart was present at that Meeting, and told he was sure the Englishmen intended so, and that it was Discoursed at that Meeting amongst them, that it were fit to seize Berwick and Stirling; and that it was talked amongst them of bringing the Duke of York to Tryal, and that the King would abandon him. *Sic Subscribitur,*

Hugh Scot.

Perth, Cancel.

Queensberry  
George McKenzie.

Jo. Drummond.  
George McKenzie.

Edinburgh, October 29. 1684.

Sederunt.

Lord Chancellor.  
Lord Secretary.

Lord President.  
Lord Advocat.

**T**he Laird of Gallowshells, Prisoner in the Tolbuith of Edinburgh, being Call'd and Examin'd upon Oath, Depons, that in the Moneth of May 1683. The E. of Tarras, Hume of Polwart Elder, and Laird of Philiphaugh, came to the Deponents House, himself being absent, at his coming home, they were speaking of the Security of the Protestant Religion;

gion; and of a Party in *England*, who would secure, or seize the King or Duke, and that if any should rise in Arms to Defend them, or to rescue the King and Duke: There was another Party who would rise in Arms against them, it was propos'd, that some Countrey-men should be spoken to, to try their Resolutions, and that the Resolutions, of *England* should be told them, to see if they would concur. But the Deponent does not remember that this proposition was approv'd, or undertaken to be done by any present; nor does he remember who manag'd the Discourse. It was likewise propos'd, to seize the Officers of State, especially the Chancellour and Thesaurer, and the said, Sir *John Cochran* was to come to the West from *England*, for advancement of the Design; and that the Earl of *Argile* was to Land in the West Highlands, and to raise that Countrey. Of these matters, all these who were present Discourf'd, as of an Affair that they were agitating, and wherein themselves were particularly concerned, though at that time they did not conclude what their carriage should be; The reason why the Deponent cannot be more particulars is, because he was sometimes going out, and sometimes walking up and down the Room; and though the Deponent cannot be positive of the very words; yet he is positive they were either these Words, or Words to that purpose. *Sic subscribitur,*

*Hugh Scot.  
Perth Cancellarius.*

*Edinburgh, December 23. 1684.*

**H**ugh Scot of *Gallowshells* being solemnly Sworn in presence of the Justices and Assize, adheres to the Depositions within, and above-written in all points, *Sic subscribitur.*

*Hugh Scot.  
Linthgow, I. P. D.*

**H**is Majesties Advocat in fortification of the former Probation, adduces the Printed Copy of Mr. *William Carstairs* Depositions, emitted before the Officers of State, and other Lords of Privy Council, and leaves the same to the Assize, and uses it as an Adminicle of Probation; for though it was capitulat, that he should not be made use of as a Witness; yet it was agreed, that the Deposition should be published: and likewise produces the Principal Deposition signed by himself, and the said Lords,

**T**he Lords, Justice-General, Justice-Clerk, and Commissioners of Justiciary, admit the Paper produced as an Adminicle, and refers the import thereof to the Inquest, and ordains the Printed Paper as it is Collationed, to be taken in, and considered by the Inquest.

**S**ir *William Paterson*, and Mr. *Colin Mckenzie*, Clerks of His Majesties Privy Council being Interrogat, if they heard Mr. *William Carstairs* own the Depositions Read, Depons they saw and heard him Swear, and own the same upon Oath, and they Collationed the Printed Copie with the Original formerly, and now they heard it Collationed, *Sic subscribitur,*

*Will. Paterson.*

*Colin Mckenzie.*

*The*



**T**he Deposition of Mr. William Carstares, when he was Examined before the Lords of Secret Committee, given in by him, and renewed upon Oath; upon the 22. of December 1684. in presence of the Lords of His Majesties Privy Council.

Edinburgh Castle, September 8. 1684.

**M**R. William Carstares being Examined upon Oath, conform to the Confession given in by him, and on the Terms therein-mentioned; Depons, That about November, or December 1682. *James Stuart*, Brother to the Laird of *Culnefsi*, wrot a Letter to him from *Holland*, importing, That if any considerable sum of Money could be procur'd from *England*, that something of importance might be done in *Scotland*: The which Letter, the Deponent had an inclination to inform *Shepherd* in *Abb-Church-lane*, Merchant in *London* of; but before he could do it, he wrot to Mr. *Stuart* above-nam'd to know from him, if he might do it; and Mr. *Stuart* having consented, he communicat the said Letter to Mr. *Shepherd*, who told the Deponent that he would communicat the Contents of it to some persons in *England*; but did at that time name nobody, as the Deponent thinks: Sometime thereafter, Mr. *Shepherd* told the Deponent, that he had communicat the Contents of the Letter above-named, to Colonel *Sidney*, and that Colonel *Danvers* was present, and told the Deponent, that Colonel *Sidney* was averse from imploying the late Earl of *Argile*, or meddling with him, judging him a man too much affected to the Royal Family, and inclin'd to the present Church-Government; yet Mr. *Shepherd* being put upon it by the Deponent, still urg'd, that one might be sent to the Earl of *Argile*; but as Mr. *Shepherd* told him, he was suspected upon the account of his urging so much; yet afterwards he pers'd, without the Deponents knowledge, that the Deponent being to go to *Holland* however, might have some Commission to the Earl of *Argile*, which he having inform'd the Deponent of, the Deponent told him, that he himself would not be concern'd, but if they would send another, he would introduce him; but nothing of this was done: upon which the Deponent went over, without any Commission from any body, to *Holland*, never meeting with *James Stuart* above-named: He was introduc'd to the Earl of *Argile*, with whom he had never before conversed, and did there discourse what had past betwixt Mr. *Shepherd* and him; and particularly, about remitting of Money to the said Earl from *England*; of which the said Mr. *Stuart* had written to the Deponent, namely of 30000 pounds *Sterling*; and of the raising of 1000 Horse and Dragoons; and the securing the Castle of *Edinburgh*, as a matter of the greatest importance: The method of doing this was propos'd by the Deponent, to be one hour, or thereby, after the relieving of the Guards: But the Earl did not relish this Proposition, as dangerous; and that the Castles would fall of consequence, after the Work abroad was done. *James Stuart* was of the Deponents Opinion for seizing the Castle, because it would secure *Edinburgh*, the Magazines and Arms; As to the 1000 Horse and Dragoons, my Lord *Argile* was of Opinion, that without them nothing was to be done; and that if that number were rais'd in *England* to the said Earl, he would come into *Scotland* with them; and that there being so few Horse and Dragoons to meet them, he judg'd he might get the Country without trouble, having such a standing Body for their Friends to Rendezvous to; and the said Earl said he could show the Deponent the convenient places for Landing, if he understood; and as the Deponent remembers, where the Ships could attend. The Deponent remembers not the names of the places.

The

The Deponent spoke to the Lord *Stairs*; but cannot be positive that he nam'd the Affair to him, but found him shy: but the Earl of *Argyle* told him, he thought *Stairs* might be gain'd to them: And that the Earl of *London* being a man of good Reason, and disobliged, would have great influence upon the Countrey, and recommended the Deponent to Major *Holms* with whom the Deponent had some acquaintance before, and had brought over a Letter from him to the Earl of *Argyle*; but the Deponent had not then communicate any thing to the said *Holms*, *James Steuart* laid down a way of correspondence by Cyphers and false Names, and sent them over to *Holms*, and the Deponent, for their use ( which Cyphers and Names, are now in the hands of His Majesties Officers, as the Deponent supposes, ) and did desire the Deponent earnestly to propose the 30000. pound *Sterling* above-named to the party in *England*, and did not propose any less; for as the Earl told the Deponent, he had particularly calculate the Expence for Arms, Ammunition, &c. But *James Steuart* said, that if some less could be had, the Earl would content himself, if better might not be; but the Earl always said, that there was nothing to be done without the body of Horse and Dragoons above-mentioned. During the time of the Deponent his abode in *Holland*, tho he had several Letters from *Shepard*, yet there was no satisfactory account, till some time after the Deponent parted from the Earl of *Argyle*, and was making for a Ship at *Rotterdam* to transport himself to *England*. *James Steuart* wrot to him that there was hopes of the Money. The next day after the Deponent came to *England*, he met with Sir *John Cochran*, who, with Commislar *Monro*, and *Jerviswood*, was at *London* before he came over; and depons, that he knows not the account of their coming, more then for the perfecting the Transaction about *Carolina*: and having acquainted Sir *John Cochran* with the Earls demands of the 30000 pound *Sterling* and the 1000. Horse and Dragoons, Sir *John* carried him to the Lord *Russel*, to whom the Deponent proposed the affair, but being an absolute Stranger to the Deponent, had no return from him at that time; but afterwards having met him accidentally at Mr. *Shepards* house, where he the Lord *Russel* had come to speak to *Shepard* about the Money above-named, as Mr. *Shepard* told the Deponent. The Deponent ( when they were done speaking ) desired to speak to the Lord *Russel*, which the Lord *Russel* did, and having reiterate the former Proposition for 30000. pound *Sterling*, and the 1000. Horse and Dragoons, he the Lord *Russel* told the Deponent, they could not get so much raised at the time, but if they had 10000. pound to begin, that would draw People in, and when they were once in, they would soon be brought to more; but as for the 1000. Horse and Dragoons, he could say nothing at the present, for that behoved to be concerted upon the Borders. The Deponent made the same proposal to Mr. *Ferguson*, who was much concerned in the Affair, and zealous for the promoting of it. This Mr. *Ferguson* had in *October* or *November* before, as the Deponent remembers in a Conversation with the Deponent in *Cheapside*, or the Street somewhere thereabout, said, that for the saving of innocent Blood, it would be necessary to cut off a few, insinuating the King and Duke, but cannot be positive whether he named them or not, to which the Deponent said, that's work for our wild People in *Scotland*, my Conscience does not serve me for such things; after which the Deponent had never any particular discourse with *Ferguson*, as to that matter; but as to the other Affair, *Ferguson* told the Deponent that he was doing what he could to get it effectuate, as particularly that he spoke to one Major *Wildman* who is not of the Deponent his acquaintance. *Ferguson* blamed always *Sidney*, as driving designs of his own. The Deponent met twice or thrice with the Lord *Melvil*, Sir *John Cochran*, *Jerviswood*, Commislar *Monro*, the two *Cessnock*, *Montgomery* of *Landshaw*, and one Mr. *Veitch*, where they discoursed of Money to be sent to *Argyle*, in order to the carrying

rying on the Affair, and tho he cannot be positive the Affair was named, yet it was understood by himself, and as he conceives by all present, to be for rising in Arms, for rectifying the Government. Commissary *Monro*, Lord *Melvil*, and the two *Cessnocks* were against meddling with the *English*, because they judged them men that would talk, and would not do, but were more inclined to do something by themselves, if it could be done. The Lord *Melvil* thought every thing hazardous, and therefore the Deponent cannot say he was positive in any thing, but was most inclined to have the Duke of *Monmouth* to head them in *Scotland*, of which no particular method was laid down. *Jerviswood*, the Deponent, and Mr. *Veitch*, were for taking Money at one of these Meetings. It was resolved, that Mr. *Martin*, late Clerk to the Justice Court should be sent to *Scotland*, to desire their Friends to hinder the Countrey from Rising, or taking rash Resolutions upon the account of the Council, till they should see how matters went in *England*. The said *Martin* did go at the Charges of the Gentlemen of the Meeting, and was directed to the Laird of *Polwart* and *Torwoodlie*, who sent back word that it would not be found so easie a matter to get the Gentry of *Scotland* to concur : But afterwards in a Letter to Commissar *Monro*, *Polwart* wrote that the Countrey was readier to concur then they had imagined, or something to that purpose. The Deponent, as above-said, having brought over a Key from *Holland*, to serve himself and Major *Holms* : he remembers not that ever he had an axact Copy of it, but that sometimes the one, sometimes the other kept it, and so it chanced to be in his custody when a Letter from the Earl of *Argyle* came to Major *Holms*, intimating, that he would joyn with the Duke of *Monmouth*, and follow his measures, or obey his Directions. This Mr. *Veitch* thought fit to communicate to the Duke of *Monmouth*, and for the Understanding of it was brought to the Deponent, and he gave the Key to Mr. *Veitch*, who as the Deponent, was informed, was to give it and the Letter to Mr. *Ferguson*, and he to shew it to the Duke of *Monmouth*; but what was done in it, the Deponent knows not. The Deponent heard the Design of Killing the King and Duke, from Mr. *Shepard*, who told the Deponent some were full upon it. The Deponent heard that *Aron Smith* was sent by those in *England* to call Sir *John Cochran*, on the account of *Carolina*, but that he does not know *Aron Smith*, nor any more of that matter, not being concerned in it. *Shepard* named young *Hamden* frequently as concerned in these Matters.

Signed at *Edinburgh Castle*, the 8. of *September*, 1684. and renewed the 18 of the same Month.

*William Carstares.*

PERTH CANCELL. I. P. D.

*Edinburgh Castle* 18 *September* 1684.

**M**R. *William Carstares* being again Examined, adheres to his former Deposition, in all the parts of it, and Depones he knows of no Correspondence betwixt *Scotland* and *England*, except by *Martin* before named; for those Gentlemen to whom he was sent, were left to follow their own Methods. *Veitch* sometimes, as the Deponent remembers, stayed sometimes an *Nicolson*, *Stabler's House*, at *London-wall*; sometimes with one *Widow Hardcastle* in *More-fields*. The Deponent did Communicate the Design on foot to Doctor *Owen*, Mr. *Griffith*, and Mr. *Meed*, at *Stepney*, who all concurred in the promoting of it, and were desirous it should take effect; and to one Mr. *Fretb* in the Temple, Councillor at Law, who said that he would see what he could do in reference to the Money, but there having gone a Report, that there was no Money, to be raised, he did nothing in it; nor does the Deponent think him any more concerned in the Affair. *Nelthrop* frequently spoke to the Deponent of the Money to be



be sent to *Argyle*, whether it was got or not, but the Deponent used no freedom with him in the Affair. *Goodenough* did insinuate once, that the Lords were not inclined to the thing, and that before, they would see what they could do in the City. The Deponent saw Mr. *Ferguson*, and Mr. *Rumsay*, lurking after the Plot broke out, before the Proclamation, having gone to *Ferguson*, in the back of *Bishopsgate-street*, at some new Building, whether he was directed by *Ferviswood*, who was desirous to know how things went. *Rumsay* was not of the Deponent his acquaintance before, but they knew as little of the matter as the Deponent. This is what the Deponent remembers, and if any thing come to his Memory, he is to deliver it in betwixt the first of *October*. And this is the truth, as he shall answer to God.

*William Carstares*

PERTH, Cancell. I. P. D.

At *Edinburgh*, the 22. of *December*, 1684.

THESE foregoing Depositions, Subscribed by Mr. *William Carstares* Deponent, and by the Lord Chancellor, were acknowledged on Oath by the said Mr. *William Carstares*, to be his true Depositions; and that the Subscriptions were his, in presence of us Undersubscribers.

*William Carstares.*

*David Falconer.*  
*George McKenzie,*

PERTH Cancell.  
*Queensberry.*  
*Athol.*

HIS Majesties Advocat for further probation, adduces the Examinations of Mr. *Shepard*, taken before Sir *Leolin Jenkins* Secretary of State for *England*, with the Information or Deposition of Mr. *Zachary Bourn*, relating to the Plot, sign'd by him and Secretary *Jenkins*, of which Depositions the tenors follow.

THE Examination of Thomas Shepard of London Merchant, taken upon Oath before the Right Honourable Sir Leolin Jenkins Knight, His Majesties Paincipal Secretary of State, the 23. day of *December*. 1683.

THE Deponent saith, That *Ferguson* told him on, or about the Moneth of *April* last, that an Insurrection was intended both in *England* and in *Scotland*, and that for the settling that Affair betwixt the two Nations, Mr. *Baillie*, Mr. *Monro*, Sir *John Cochran*, Sir *Hugh* and Sir *George Campbells*, with some others ( whose names this Deponent heard not ) were come to *London*.

That the Deponent had some acquaintance with Mr. *Baillie*, Mr. *Monro*. and Sir *John Cochran*, and none at all with Sir *Hugh* and Sir *George Campbells*; that Mr. *Baillie* told the Deponent, that the Earl of *Argile* demanded Thirty Thousand Pounds of the *English* to capacitat him to begin the business effectually in *Scotland*, and that he (the said *Baillie* likewise told the Deponent, that having concerted things with the Lord *Russel* and others, he the said *Baillie* found an impossibility of raising that Sum; After which the said *Baillie* had acquainted the Deponent, that they were certainly promised Ten Thousand Pounds, which Sum was agreed to be payed into the Deponents hands, in order to be remitted into *Holland*, for the providing of Arms; and that the said *Baillie* told the Deponent at divers times, that the said Sum, or at least one half of it would be payed such a day, and such a day; and sometimes asked the Deponent, if he had received any part of the



the said Money, to which the Deponent replied that he had not, and that he the Deponent scarce thought any would be payed.

And the Deponent also saith, that having had some little conversation with Sir John Cochran, he remembers well, that both of them did sometimes lament the delays in not paying in the Money, and said, that although the said Ten thousand Pounds were pay'd in, they, the said Sir John Cochran and Mr. Monro, fear'd it would be too little; and this Deponent further sayeth not, as to any new matter. But the Deponent being asked, to Explain what he thought was meant by the words above-written, viz. to capacitate him (the Earl of Argyle) to begin the business, he, this Deponent sayeth, that he did understand by the Word *business*, an Insurrection in Scotland. *Sic subscribitur,*

*Jurat coram.*

Thomas Shepard.

L. Jenkins.

The Information of Zachary Bourn of London, Brewer, taken upon Oath, the tenth day of December 1683. before the Right honourable Mr. Secretary Jenkins.

The Informant Deposeth, and sayeth, that Mr. Baillie set up one Night, if not two, with Mr. Ferguson, and went several times in the Evening with him to the Duke of Monmouth, and the chief mannagers of the Conspiracy; That Ferguson told the Deponent, that he the said Baillie was the chief man for the Scots, next to the Lord Argyle; that the said Baillie did sit up the greatest part of one night, with the said Ferguson; at which time this Deponent believeth they were busie in preparing the intended Declaration, which the Deponent has the more reason to believe, in as much as the said Ferguson did go about to show him the Deponent, such a Paper, wherein the said Ferguson was hindered by the coming up Stairs of some person, to speak with the said Ferguson, that the said Ferguson told the Deponent, that the main business of the said Baillie, in meeting the said Conspirators, was in order to get from them the Ten thousand Pounds, promised for the buying of Arms, for the Insurrection intended in Scotland.

That the Deponent saw Mr. William Carstares come often to the Lodgings of the said Ferguson; but that the said Ferguson never told the Deponent of any Discourse held by him with the said Carstares: and further this Deponent saith not. *sic subscribitur,*

*Jurat coram.*

Zac. Bourn.

L. Jenkins.

His Majesties Advocate likewise produced several Warrants, and Papers to prove, that those Depositions are sign'd by Sir Leolin Jenkins.

His Majesties Advocate also produced the Books of Adjournal, bearing Mr. William Veitch to be a Forefault Traitor, and the Act of Parliament whereby the Forefaulture is Ratified,

His

*His Majesties Advocat's Speech to the Inquest.**My Lords and Gentlemen,*

**Y**OU have now a Conspiracy against His *Majesties* Sacred Person, and Royal Government, so fully discover'd, that they must want Reason as well as Loyalty, who do not believe the Discovery; and they must be enemies to sincerity, as well as to the King, who do not acknowledge it. Beside, that the Councils of all the three Nations, thought the proof sufficient, for Indicting a General Thanksgiving through all these Nations; and that the Judges of *England* thought the same strong enough to infer Forefaulture of Life and Estate, against some of all Ranks there; you have a Discovery made here from the Late E. of *Argiles* own Letters, and the Confession of his own Emillaries, the two surest proofs that Law ever invented, or the nature of Humane Affairs can allow; and I am this day to add to all this, a new Set of Proofs in the Process that I now lead against this Pannal, from the Confessions of Noblemen and Gentlemen, who have been engaged in this wicked Conspiracy; and who from a sense of their Guilt, are content freely to Depose against their nearest Relation, and their most intimate Friend, in which having thus cleared to you, that there was really such a Conspiracy, I shall, in the next place, proceed to prove this Pannals Accession to it.

It cannot be imagined, that we would willingly involve our Countrey men in it, without a Conviction stronger then our kindness to *Scotland*; nor did His *Majesties* Servants accuse this Pannal, without the opinion of the ablest Lawyers of the Kingdom, who did, with them concur, to think that there was not the least occasion of doubting left, to the most indifferent Inquest of his guilt, after they had seriously, and with reflection, read over, and pondered the probation now laid before you.

The Person accus'd of accession to this Cryme is the Ring-leader of all those, who in this Kingdom concurr'd with the *English* Conspirators, as you may see by the Testimonies of all who have Deposed; and it was indeed fit and just to begin with the most guilty, so that if he be not convicted, there should no man be punished for this Conspiracie; all the noise we have heard of it, is but a Cheat, the Kings Judges have been Murderers, all the Witnesses have been Knaves, and such as dyed for it have been Martyrs.

The Accession charged on the Pannal, is not an accidental escape, nor is it proved by Witnesses, who can be suspected of unkindnes to his Person, or his Cause, for it is a long tract of a continued design, gone about with the greatest deliberation and concern imaginable, and proved by his nearest Relations, and persons so deeply engag'd in that Cause, (for which he Suffers,) that they were content with him to venture their Lives and Fortunes in that quarrel. He is not accus'd of a Crime that can amount only to a single Murder, though that be a dreadful Cryme, but a Rebellion, which was to draw upon us a Civil War, that Murder of Murders, in which hundreths of thousands were to fall; and to Crown all, he was to be the chief promoter of a Rebellion, in which one of the  
first

first steps was to kill His Sacred *Majestie*, and his Royal Brother; and one of the chief Witnesses which I have led against him, is *Bourn*, which *Bourn* confessed that he was to kill the King, and who confesses the Pannal sat up several nights with *Ferguson*, the other contriver of the Kings Murder, and so familiar was he with him, that *Bourn* depons, that the said Pannal had been with *Ferguson*, at the drawing of the *manifesto*, whereby he was not only to be an Actor, but to be the Justifier of that horrid Villanie: and therefore *Bourn* depons, that *Ferguson*, (the best Judge in that case) looked upon him as the chief man, next to *Argyle*; But because no man is presumed to go to such a hight, without previous inclination and motives, I shall to convince you, that this Gentleman was very capable of all that was lybelled against him, remember you, that he is Nephew, and Son in Law to the late *Waristoun*, bred up in his Family and under his Tutor; about the time of this Plot it was undenyably known, and is now sufficiently proved, by two present Witnesses, the Earl of *Tarras* and Commissar *Monro*, that he thought himself desperat, knowing himself to be guilty of Treason by *Blakwoods* Case; and as it's presumable, that a man that's guilty of one point of Treason, will commit another; so when a man is desperat as to his Life and Fortune, he is capable of any thing; he was likewise animated to commit this Cryme, by the intelligence he had that there was a Plot in *England*, carryed on by men of so great Parts, Fortune and Influence, and by the too probable hopes, that they would get all the Western Shires to joyn with them here, because of the common guilt, in which they had engaged themselves, by their late extravagances, they made an account of an assistance of twenty thousand men; and by *Philiphaugh's* Deposition, that these Gentlemen expected the concourse of the Southern-Shires; and thus, I am to prove to you a Cryme, which is in it self, so probable and liklie, that it should need little probation, tho I have adduced for your conviction sufficient evidences, albeit the Cryme were in it self very unliklie.

The Crymes which I hope I have proved, are, That *Jerviswood* the Pannal transacted for Money to the late Earl of *Argyl*, a declared Traitor. 2. That he designed to raise a Rebellion. 3. That he intercommuned with the Earl of *Argyl* and Mr. *Veitch* declared Traitors. 4. That he was present, where it was treated, either that *Argyle* should have Money from the *English*, and assistance from *Scotland*, or that a Rebellion should be raised, and that he did not reveal the same; and all these being found relevant *separation*, it is sufficient for me to have proved any one of them. And if a Gentleman was lately found guilty of High-Treason, by the opinion of all the Lords of Session, for not revealing, that Sir *John Cockran* sought fifty pound *Sterling* from him, though he refused the same, and tho he believed, it was sought for a charitable subsistence to preserve him from starving; what deserves this Pannal, who sought thirty thousand pound *Sterling*, to buy him Arms, to invade his Native Country?

That *Jerviswood* was designing to carry on a Rebellion, or at least was accessory, or (as our Law terms it) was *Art and Part* thereof, is clearly prov'd; but that in this occult and hidden Crime, which uses not to be prov'd by clear witnesses; I may lead you thorow all the steps of the Probation, which like the links of a Chain, hang upon one another. You will be pleased to consider, that 1. It is proved that he desired a blind Commission to go to *England*, not to manage the affairs of the *Carolina* Company, as he confess'd, but to push the People of *England* to do something for themselves, because they did only talk and not do; and what he would have them to do, appears too clearly, because he tells the Earl of *Tarras* it was pro-

probable, that if the King were briskly put to it by the Parliament of England, he would consent to exclude the Duke from the Succession: here is not only a Treasonable Design, (though a design be sufficient in Treason) but here are express acts of Treason proved, viz. The treating with the Earl of *Tarras* upon this design, the settling a Correspondence with him for the prosecution of it, and the writing Letters from *London* to him concerning it, and the sending down Mr. *Martin* to compleat it by a general Rising; As he design'd to push on the *English*, so he prosecutes closely this Design upon all occasions. On the Road he complains cunningly and bitterly, that our Lives, Laws and Liberties, and the Protestant Religion were in danger, the stile and method of all such as design to Rebel; after he arrives at *London*, he engages the Conspirators there to assist the late Earl of *Argile*, a declar'd Traitor, with Money to buy Arms; this was indeed to push the *English* to do the most dangerous things by the most dangerous man, and in the most dangerous methods. He enters also in a strict Correspondence with *Ferguson* the Contriver, with *Shepard* the Thesaurer, and *Carstares* the Chaplain of the Conspiracy.

*Alexander Monro* another present Witness, proves that he argued with him, that it was necessary to give *Argile* Money expressly for carrying on the Rebellion, and that they did meet at *Jerviswoods* Chamber where this was spoke of, and from which Mr. *Robert Martin* was sent to their Friends in *Scotland* to know what they would do; and though the silly caution was, that they sent him to prevent their rising, yet a man must renounce common sense, not to see that the design was to incite them to Rebellion, and to prevent only their doing any thing in this rebellious design, by which they might lose themselves in a too early and abortive Insurrection here, till things were ready in *England*. For, 1. This Commission was given him in a place, and by a Company who had been themselves treating immediately before of sending Money to the late E. of *Argile* to buy Arms, and certainly those Arms were to be bought for Men, and not for a Magazine. 2. They were treating how many Men could be raised in *Scotland*. 3. *Carstares* Deposition bears, that *Martin* was sent to hinder rash Resolutions, till they saw how Matters went in *England*, and the return to their Embassy bore, that it would not be an easie matter to get the Gentry of *Scotland* to concur; but afterwards better hopes of their rising was given, which could not have been, if the true Commission had not been to raise *Scotland*. 4. That Sir *John Cochran* made a Speech to that purpose, is expressly prov'd, and that *Jerviswood* spoke to the same purpose, is prov'd by a necessary consequence; for since it's prov'd that he spoke, and that he did not speak against it, it must necessarily follow that he spoke for it, though the Witness is so cautious, that he cannot condescend upon the words now after so long a time; and it is against Sense to think, that *Jerviswood* who in privat press'd the same so much upon Commissar *Monro*, and who was the Deacon-Conveener here, and who, as Mr. *Martin* their Envoy declared, was the person who was to be sent for the Arms, should not himself have been the most forward man in that Design, but above all *exitus acta probat*, this Commissioner, (who being a meer Servant, durst not have propos'd any thing from himself, being a mean Person, and being one, who, as the Earl of *Tarras* deposes, would say nothing, but what was in his Paper:) does expressly declare, that he came from *Jerviswood* and others; and in the meeting with him, a Rebellion is actually formed, and it is resolved, they should seize the King's Officers of State, Garisons, and Forces, and that they should joyn with the late E. of *Argyle*, and put their own Forces in a condition to joyn with these Forces that were to come from *England*, and they gave a Sign, and a Word, which uses only to be



be done in actual War ; So here is Treason clearly prov'd , by two present Witnesses, from the first Design to it's last perfection.

Nor can it be objected , that they are not concurring Witnesses , but *testes singulares* upon separat Acts , for in reiterable Crimes, Witnesses deposing upon different Acts; do prove if the deeds tend to the same end; as for instance, if one Witnes should depose, that they saw a Traitor sit in a Council of War, in one place, and in another place, they saw him in Arms, or that one saw him assist at a Proclamation in one place, and saw him in Arms in another ; or that one saw him writ a Treasonable Paper, and another saw him use it ; These Witnesses are still considered as contestes , or concurring Witnesses, and ten or twelve Inqueists have so found, and upon their Verdict , Rebels have been lately hang'd. The learn'd Judges of *England* being all met together did expressly find, that one Witnes proving, that A. B. said, that he was going to buy a Knife to kill the King, and another deposing, that he saw him buy a Knife, without telling for what, that these two Witnesses were contestes, and prov'd sufficiently the Cryme of Treason, yet there the one Witnes, prov'd only a remote Design, and the other an Act, which was indifferent of it's own nature, and became only Treasonable by the Connexion ; But no Witnesses ever Deposed upon things so coherent, and so connected together, as these do, for they depose still upon the same person, carrying on the same Design of a Rebellion ; as to which, in one place, he is exciting his own Nephew, and telling him his Resolutions , and settling a Correspondence with him, at another time, he presses Commissar *Monro* to the same Rebellion. At a third, He holds a meeting at his own Chamber , and speaks concerning it , and from that meeting , he sends a Trusty, who formes the Rebellion. Besides all this, tho two Witnesses be sufficient, I have adduced Mr. *William Carstares* Chief Conspirator, and who choos'd rather to suffer violent Torture, than to disclose it, he likewise Deposes upon all these steps, and connects them together, and this his Deposition is twice reiterated, upon Oath, after much premeditation. And I likewise adduce two Depositions taken upon Oath , by Sir *Leolin Jenkins*, who was impower'd by the Law of *England*, and at the command of the King, and the Council of *England*, upon a Letter from His Majesties Officers of State here, In which Deposition, *Shepard*, one of the Witnesses, deposes, that *Baillie* came frequently to him, and desired him to advance the Money, and lamented the delays, and that there was so little to be advanced ; and who should be better believed then one who was his own Trustie, and a Person who was able to advance so great a Sum ; *Bourn*, another of the Witnesses, Deposes, that *Ferguson* told him, that the Pannal spoke frequently to him concerning the same Money, and that he sat up several nights with *Ferguson* upon the said Conspiracy ; and who should be better believed then *Fergusons* confident, and one who was so far trusted in the whole affair, that he was to take away that Sacred Life, which Heaven has preserv'd by so many Miracles.

Against these three Depositions, you have heard it objected, that *non testimonia sed testes probant*, especially by our Law, in which, by an express Act of Parliament, no Probation is to be led, but in presence of the Assise and Pannal. To which it is answered, that these Depositions are not meer Testimonies ; for I call a Testimony, a voluntar Declaration, emitted without an Oath, and a Judge ; but these Depositions are taken under the awe of an Oath, and by the direction of a Judge. 2. *Shepard* was confronted with the Pannal himself, and he had nothing to say against him ; whereas the great thing that can be objected against Testimonies (and by our Statute especially ) is that if the Party who emits the Testimony had been

been confronted with the Pannal; the impression of seeing a person that was to die, by his Deposition, would have made him afraid to Depose laxly; and the Pannal likewise might, by proposing Interrogators and Questions, have cleared himself, and satisfi'd the Judges in many things. Depos'd against him: But so it is that Mr. *Shepard* having been confronted with the Pannal, before the King Himself, who is as far above other Judges, in His Reason and Justice, as He is in His Power and Authority; He Deposes that the Pannal was the chief Mannager of this Conspiracy, next to *Argile*, and that he was so passionate to have this Money to buy Arms, that he lamented the delays; and can it be imagined that Mr. *Shepard* whom he trusted with his Life and his Fourtune, and whom all their Party trusted with their Cash, would have Depos'd any thing against him that was not true, especially when he knew that what he was to Depose, was to take away his Life and his Fortune; or that if the Pannal had been innocent, he would not when he was confronted with Mr. *Shepard*, before the King Himself, have roar'd against Mr. *Shepard*, if he had not been conscious to his own Guilt. There is a surprize in innocence, which makes the innocent exclaim, and it inspires men with a courage, which enables them to confound those who Depose fallly against them; and in what occasion could either of these have appear'd, more than in this, wherein this Gentleman was charg'd to have Conspir'd with the greatest of Rascals, against the best of Princes; and that too in presence of the Prince himself, against whom he had Conspir'd; but Guilt stupifies indeed, and it did never more than in this Gentlemans Case, whose silence was a more convincing Witness than Mr. *Shepard* could be. Mr. *Carstares* likewise knew when he was to Depone, that his Deposition was to be used against *Jerviswood*, and he stood more in awe of his love to his Friend, than of the fear of the Torture, and hazarded rather to die for *Jerviswood*, than that *Jerviswood* should die by him: How can it then be imagin'd, that if this man had seen *Jerviswood* in his Tryal, it would have altered his Deposition; or that this kindness, which we all admir'd in him would have suffer'd him to forget any thing in his Deposition, which might have been advantageous in the least to his Friend: And they understand ill this hight of Friendship, who think that it would not have been more nice and careful, than any Advocate could have been: and if *Carstares* had forgot at one time, would he not have supplied it at another; but especially at this last time, when he knew his Friend was already brought upon his Tryal: and that this renew'd Testimony was yet a further confirmation of what was said against him; and albeit the Kings Servants were forced to engage, that *Carstares* himself should not be made use of as a Witness against *Jerviswood*; yet I think this kind scrupulosity in *Carstares* for *Jerviswood*, should convince you more than twenty suspect, nay than even indifferent Witnesses; nor can it be imagined, that the one of these Witnesses, would not have been as much afraid of God, and his Oath at *London*, as at *Edinburgh*; and the other in the Council Chamber in the Forenoon, as in the Justice-Court in the Afternoon.

3. The Statute founded on, does not discharge the producing of Testimonies otherways than after the Jury is inclos'd; for then indeed they might be dangerous, because the party could not object against them: But since the Statute only discharges to produce Writ, or Witnesses, after the Jury is inclos'd; it seems clearly to insinuat, that they ought to prove when they are produc'd in presence of the Party himself, as now they are. And though the Civil Law did not allow their Judges to believe Testimonies, because they were confin'd to observe strict Law; yet it does not from that follow, that our Juries, whom the Law allows to be a Law to themselves, and to be confin'd by no Rule, but their Conscience, may not trust intirely to the Depositions of Witnesses, though not taken before

Q

themselves,

themselves, when they know that the Witnesses, by whom, and the Judges, before whom these Depositions were emitted, are persons beyond all suspicion, as in our case. But yet for all this, I produce these Testimonies, as Adminicles here only to connect the Depositions of the present Witnesses, and not to be equivalent to Witnesses in this legal Process; albeit, as to the conviction of mankind, they are stronger than any ordinary Witnesses.

When you, my Lords and Gentlemen, remember that it is not the revenge of a privat party, that accuses in this case; and that even in privat Crimes, such as Forgery, or the murder of Children, &c. many Juries here have proceeded upon meer presumptions, and that even *Solomon* himself, founded his illustrious Decision, approv'd by God Almighty, upon the presum'd assertion of a mother; I hope ye will think two Friends Deposing, as present Witnesses, adminiculated and connected by the Depositions of others, though absent; should beget in you an intire belief, especially against a Pannal, who has been always known to incline this way, and who, though he was desired in the Tolbooth to vindicate himself from those Crimes, would not say any thing in his own defence, and though he offers to clear himself of his accession to the Kingsmurder, yet says nothing to clear himself from the Conspiracy entered into with the late Earl of *Argile*, for invading his Native Countrey, which is all that I here Charge upon him, and which he inclines to Justifie, as a necessary mean for redressing Grievances; I must therefore remember you, that an Inquest of very worthy Gentlemen did find *Rathillet* guilty, tho there was but one Witness led against him, because when he was put to it, he did not deny his accession: And two Rogues were found guilty in the late Circuit at *Glasgow*, for having murdered a Gentleman of the Guard, though no man saw them kill him; but the murderers having been pursued, they run to the place out of which the Pannals then accused were taken, none having seen the face of the Runaways; and the Pannals being accus'd: and press'd to deny the accession, shun'd to disown the Guilt, but desired it might be proved against them. This may convince you that there are Proofs which are stronger then Witnesses; and I am sure that there were never more proving Witnesses then in this case, nor were the Depositions of Witnesses ever more strongly adminiculated. Remember the danger likewise of emboldening Conspiracies against the Kings Sacred Life, and of encouraging a Civil War, wherein your selves and your Posterity may bleed, by making the least difficulty to find a man Guilty by the strongest Proofs that ever were adduced in so latent a Crime as a Conspiracy is. And I do justly conclude, that whoever denies that a Conspiracy can be thus prov'd, does let all the World see that he inclines that Conspiracies should be encouraged and allow'd. Our Age is so far from needing such Encouragements, that on the other hand in this, as in all other Crimes, because the Guilt grows frequent and dangerous, the Probation should therefore be made the more easie, tho in this Case the King needs as little desire your Favour, as fear your Justice. And I have insisted so much upon this Probation, rather to convince the World of the Conspiracy, than you that this Conspirator is Guilty.

**T** Hereafter the Lords Ordained the Assize to inclose, and return their Verdict to morrow by Nine a Clock in the morning.

*Edinburgh, December 24. 1684.*

**T** He said day, The Persons who past upon the Assie of Mr. *Robert Bailie of Jerviswood*, return'd their Verdict in presence of the saids Lords; whereof the Tenor follows. The Assize, all in one Voice, finds the Crimes of Art and Part in the Conspiracy, and Plot Libelled; and of con-

concealing, and not revealing the same, clearly proven against Mr. *Robert Baillie* the Pannal, in respect of the Depositions of Witneses and Admicles adduced. *Sic subscribitur*,

*Strathmore* Chancellor.

**A**fter opening and reading of the which verdict of Assize, The Lords, Justice General, Justice Clerk, and Commissioners of Iusticiary, therefore, by the mouth of *James Johnston* Dempiter of Court, Decerned and Adjudged the said Mr. *Robert Baillie* of *Jerviswood* to be taken to the Mercat Crofs of *Edinburgh*, this twentie fourth day of *December* instant, betwixt two and four a clock in the afternoon, and there to be hanged on a Gibbet till he be dead, and his Head to be cut off, and his Body to be Quartered in four, and his head to be affixt on the Nether-bow of *Edinburgh*, and one of his Quarters to be affixt on the Tolbooth of *Jedburgh*, another on the Tolbooth of *Lanerk*, a third on the Tolbooth of *Air*, and a fourth on the Tolbooth of *Glasgow*; And ordains his Name, Fame, Memory, and Honours to be extinct, his Blood to be Tainted, and his Arms to be riven forth, and delate out of the Books of Arms, so that his Posterity may never have Place, nor be able hereafter to bruike, or joyse any Honours, Offices, Titles or Dignities, within this Realm in time coming; and to have Forfaulted, Ammitted and Tint all and sundry his Lands, Heritages, Tacks, Steadings, Rooms, Possessions, Goods and Gear whatsoever, pertaining to him, to Our Sovereign Lords use, to remain perpetually with His Highness, in Property, which was pronounced for Doom. *Sic subscribitur*. LINLITHGOW. *James Foulis, J. Lockhart, David Balfour, Roger Hog, Al. Seton, P. Lyon.*

Extracted forth of the Books of Adjournal, by me Mr. Thomas Gordon, Clerk to the Justice Court, *sic subscribitur*.

THO. GORDON.

In pursuance of which Sentence, His Majesties Heralds, and Pursevants, with their Coats display'd (after sound of Trumpets,) Did publickly, in face of the Court (conform to the custom, in the Sentences of Treason) in His Majesties Name and Authority, Cancel, Tear and Destroy the said Mr. *Robert Baillie* his Arms, threw them in his Face, tramp'd them under foot; And ordain'd his Arms to be expunged out of the Books of Heraldry, his Posterity to be ignoble, and never to enjoy Honour and Dignity in time coming: And thereafter went to the Mercat-Crofs of *Edinburgh*, and solemnly Tore and Cancelled the said Mr. *Robert Baillie* his Arms, and affixed the samine on the said Mercat-Crofs Reverfed, with this Inscription; *The Arms of Mr. Robert Baillie late of Jerviswood Traitor.*

FINIS